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BRYAN AND DARROW AT DAYTON

Leslie H. Allen

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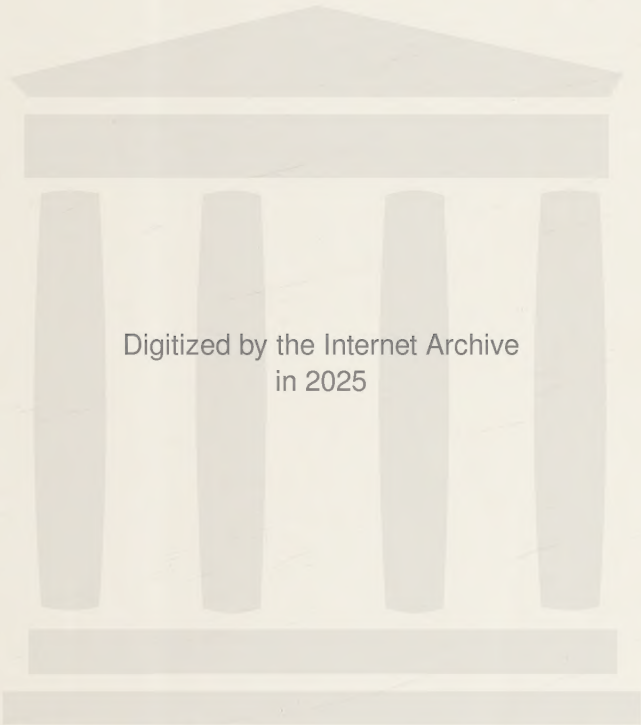

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BRYAN AND DARROW AT DAYTON

THE RECORD AND DOCUMENTS OF THE
"BIBLE-EVOLUTION TRIAL"

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Edited and Compiled by

LESLIE H. ALLEN

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FOREWORD

IN compiling and editing this account of the case of the State of Tennessee against John Thomas Scopes every effort has been made to be fair to both sides. I admit that I entertain strong convictions in favor of one side, but I hope the reader will be unable to judge from the following pages whether I am a Fundamentalist or a Modernist.

To men and women of all religious beliefs and none, the Dayton trial was, and still is, of vital interest. Because of the implications of that trial, because the issues there drawn may be carried through the Supreme Court of Tennessee to the Supreme Court of the United States, this unbiased compilation of the essential facts about the Scopes case has been prepared as a contribution to contemporary history and as a ready reference record for a future in which those issues will loom ever larger until in men's minds they have been squared with the truth.

Although the temptation to write color into this account has been strong, descriptive narrative has been avoided as far as possible. One's choice of color betrays his taste, and a pretty phrase paraphrases its writer's prejudice. For that reason the court record has been followed with what some readers may regard both as too nice a respect for its form and too careless a disregard for its dramatic content. But the discerning reader may perceive between the lines of a record thus compiled all the dramatics—and melodramatics—as well as the bitterness and the humor which marked this amazing clash of wills and religious opinions. Modernist or agnostic, Fundamentalist or atheist—one may find as much as another in this record to applaud or to [illegible].

Some of the statements issued and the incidents which occurred just before and after the trial, and during its week ends, have been included in these pages. Technically, these are not part of the record itself, but they are of sufficient significance to deserve their proper places in the Dayton chronology.

This chronology would not be complete without mention of Mr. Bryan's death. This may be found in the closing pages, immediately preceding the speech which Mr. Bryan, by the decision of both sides to conclude the case without summing up, was prevented from delivering in the courtroom. This speech, which by the tragic turn of events, became a post mortem statement, is not properly part of the trial record, but without it, this book could not do justice to Mr. Bryan.

It is presumed that the reader is ready for the record of the trial. In turning to it, let him remember that it was compiled by a reporter, not by a protagonist.

LESLIE H. ALLEN

New York City
July 27, 1925

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I

INTRODUCTION

WHEN John Washington Butler introduced his "anti-evolution bill" in the Tennessee Legislature, he did not foresee the world-wide interest that was shortly to be focused upon it.

"I never had any idea my bill would make a fuss," said this Macon County farmer and legislator. "I just thought it would become a law, and that everybody would abide by it."

This law, for the violation of which John Scopes was indicted by the Grand Jury of Rhea County, was passed almost four months before the Dayton trial, on March 21, 1925. It reads as follows:

> "Be it Enacted, by the General Assembly of the State of Tennessee, that it shall be unlawful for any teacher in any of the universities, normals, and all other public schools in the State, which are supported in whole or in part by the public school funds of the State, to teach the theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals."

"If I had it to do all over again I'd have introduced it two years earlier—in my first term in the Legislature," said its sponsor, Mr. Butler, when questioned by reporters during the trial. "I didn't know anything about evolution when I introduced it. I'd read in the papers that boys and girls were coming home from school and telling their fathers and mothers that the Bible was all nonsense. I didn't think that was right, and then the Rev. W. J. Murray of Nashville, who comes to preach once a month at our church in Lafayette, the Primitive Baptist Church, came over one Sunday and preached a sermon saying the teaching of evolution in the schools ought to be stopped, because it

was attacking religion. When the bill passed, I naturally thought we wouldn't hear any more about evolution in Tennessee."

But more was heard of Mr. Butler's bill because Dr. George Rappleyea of Dayton conceived the idea of testing its constitutionality. Dr. Rappleyea's forefathers had been driven from France by religious persecution. When he read that the American Civil Liberties Union would finance a test case, he talked about the matter with Mr. White, superintendent of Dayton's schools. But the schools had closed for the summer.

Dr. Rappleyea was not discouraged. From Robinson's drug store, Dayton's public forum, he telephoned Mr. Scopes, who came over and said that on April 21, a month after the law had been passed, he had used in his high school class a passage in a textbook on biology which, under that law, could not be taught.

After ascertaining that the American Civil Liberties Union stood ready to finance the defense, Dr. Rappleyea swore out a warrant against his friend Scopes, which was served promptly, and the Grand Jury duly indicted the instructor for teaching evolution.

William Jennings Bryan at once proferred his services on behalf of the prosecution, having admitted the action of Tennessee Legislature might have been influenced by some of his previously expressed views or his anti-evolution resolution, passed by the Florida Legislature.

Shortly after Mr. Bryan's announcement, Clarence Darrow, the noted criminal lawyer, psychologist, and writer of Chicago, together with Dudley Field Malone, prominent New Yorker and liberal, stated that they would be ready to aid the defense.

Mr. Scopes from the first was a willing defendant. Coming to New York, soon after his indictment, to consult with the American Civil Liberties Union in selecting his counsel, he became weary of the notoriety which had suddenly eclipsed his natural modesty. But he wore his fame with a grace becoming a 24-year-old teacher of science in the Rhea County high school, unmarried, graduate of the University of Kentucky, and a native of Paducah, Ky.

Counsel finally selected to defend Mr. Scopes included Clarence Darrow, John R. Neal, a native of Rhea County, Dudley Field Malone, and Arthur Garfield Hays of New York City. Against them were to be arrayed A. T. Stewart, District Attor-

ney General Ben G. McKenzie of Dayton, William Jennings Bryan, William Jennings Bryan, Jr., and County Judge J. G. McKenzie, son of Ben G. McKenzie. The Judge was J. T. Raulston, of the Eighteenth Judicial Criminal Court, who called a special term for the Scopes case.

While the ranks of counsel were being arranged, Dayton, through the committee of arrangements of the Dayton Progressive Club, prepared itself for the anticipated influx of visitors. Soft drink and sandwich stands began to spring up, spare rooms were cleaned, and the Hotel Aqua opened wide its arms. Dayton was determined to be ready for its fame.

II

THE FIRST DAY

ON the morning of the first day, Friday, July 10, 1925, the case of the People of the State of Tennessee against John Thomas Scopes was opened with prayer in the little courthouse at Dayton—but not until cameras and motion picture photographers had made many "shots" of the Judge, the distinguished counsel, and the crowd which jammed the room to the doors.

The resulting pictures illustrated considerable informality of dress. It was hot, and coats were discarded by many. Mr. Darrow displayed blue suspenders, Mr. Bryan a belt and palm-leaf fan, and Mr. Scopes, wearing no collar, was comfortable in a shirt open at the neck and with sleeves rolled up.

To the Northerners present, opening the session with prayer was a novelty; but the petition of the Rev. L. M. Cartwright, of Spring City, a descendant of Blue Ridge Mountain circuit riders, for divine guidance from the God he acknowledged to be the source of all wisdom and power, was received by the Tennesseans with frequent and fervent "Amens."

Before the jury was selected, a new Grand Jury was sworn in to reindict Scopes, because the original indictment was considered faulty. In charging this Grand Jury, Judge Raulston read the first chapter of Genesis, with its account of creation. Before noon the Grand Jury had returned with the new indictment.

Meanwhile, Attorney General Stewart objected vigorously to Mr. Darrow's request for information that would enable the defense to send for their expert witnesses—scientists—at the most opportune time. Then and there, the lines were drawn for the dramatic battle which was later to take place over the admissibility of scientific testimony. The State agreed to take up this matter out of order on Monday, but preferred to select the jury first.

W. F. Robertson, a farmer with no church, the first juror called, was accepted in short order.

J. W. Dagley, also a farmer, and a Methodist, had not read about evolution, had never heard it discussed in church and had no opinions which would prejudice him in this case. He was accepted.

Jim Riley, formerly a miner and now a Dayton farmer, was found satisfactory after he had revealed that he could not read, to which Mr. Darrow remarked:

"Well, you are fortunate."

Mr. Darrow challenged J. P. Massingill for cause, and the Judge excused him. Mr. Massingill, who has four churches in Rhea County, admitted that he had preached against evolution and that he thought Mr. Scopes had been teaching "contrary to the Bible," although he was sure he could act as a juror without prejudice. When he said he had preached against evolution, the majority of the spectators applauded.

Although W. D. Taylor, another Methodist and farmer, had heard evolution discussed on both sides, he didn't think those who had discussed it knew much about it. He entered the jury box, but Mr. Darrow used one of his three peremptory challenges against Tom Jackson because, from the Bible, this fourth farmer and Methodist had formed a strong opinion on evolution.

Examination of the fifth juror, R. L. Gentry, farmer, teacher, and Baptist, revealed the intention of the defense to prove later on that there is no conflict between the Bible and evolution.

MR. DARROW—Have you formed an opinion as to a conflict between the Bible account of man's origin and evolution?

MR. GENTRY—I have.

MR. DARROW—Your Honor, I don't believe a man could study evolution and the Bible and believe there is any conflict.

JUDGE RAULSTON—I anticipate that question will arise.

MR. DARROW—I only want to keep the Court from getting set on that point.

JUDGE RAULSTON—The Court is only going to get set on his chair for the present.

J. C. Dunlap was excused for cause. He admitted to Mr. McKenzie that he had taken part in arguments about evolution in Robinson's drug store.

Mr. Darrow challenged W. A. Ault, merchant and Methodist, who had heard both Mr. Bryan and Mr. Darrow talk before.

Capt. Jack R. Thompson, of Rhea Springs, once a United States marshall, whose well-tailored blue coat and white duck

trousers contrasted sharply with the more homespun appearance of the other jurors, became juror No. 6. He was also a Methodist.

MR. DARROW—Do you work at it very hard?
CAPT. THOMPSON—Not as hard as I ought to.
MR. DARROW—Your wife probably goes more than you do?
CAPT. THOMPSON—More than I do.

W. D. Smith, farmer but a Baptist, had heard preachers discuss evolution, but he didn't know whether they had been for or against it; and so he was accepted.

Jess Goodrich entered the box next. This young shipping clerk, member of the Christian, or Disciples of Christ Church, had also heard evolution discussed, but hadn't cared about it one way or the other.

Mr. Darrow also accepted John H. Bowman, farmer, cabinet maker and Methodist, who said he, too, cared little about evolution, which prompted Mr. Darrow to remark:

"I reckon they all have an opinion whether it's worth anything or not."

Bill Day, Baptist and farmer, with his coat over his arm, inspired this colloquy:

MR. DARROW—Wouldn't it necessarily make you for or against a thing because a preacher said so?
MR. DAY—No, sir.
MR. DARROW—Been a Bible reader all your life?
MR. DAY—Not so much as I should of.
MR. DARROW—Don't know whether the Bible is against evolution or not?
MR. DAY—No, sir.
MR. DARROW—He'll do.

R. L. West, juror No. 11, got to the Baptist church "right regularly," but hadn't heard much about evolution before this case came up. W. B. Ferguson was excused after challenge by the defense, because he regarded his pastor as an authority against evolution. Mr. Stewart said this action established a precedent whereby any man who favored or opposed evolution could be excused.

"If you find an evolutionist," said Mr. Darrow, "you can excuse him."

The jury was completed with the acceptance of J. S. Wright, still another Baptist and farmer.

The jury thus consisted of six Baptists, four Methodists, one member of the Disciples of Christ church, and one man who acknowledged no church. Ten were farmers, one of these also a teacher, and another also a cabinet maker; one was a wealthy land owner and one a shipping clerk.

After the jury was completed, court adjourned until Monday morning.

The week-end was not exactly peaceful. Saturday Mr. Bryan and Mr. Darrow both issued statements.

"There is no doubt," said Mr. Bryan, "that evolution asserts man's descent from some lower form of life, and no scientific specialists could change the law or its meaning, no matter who these specialists might be or how many there might be. . . . The people of Tennessee have a right to protect the Bible as they understand it. They are not compelled to consider the interpretations placed upon it by people of other states, whether Christians or scientists, or both."

To which Mr. Darrow promptly replied, in part:

"Mr. Bryan's statement about the rights of Tennessee to protect its religion is ambiguous, if he means that any state has the right to pass a law which prohibits the teaching of a theory that is contrary to any religion, and in doing so he is flying in the face of every state constitution. . . . Whether the scientists come from Tennessee or outside to tell the meaning of evolution cannot matter. Science is the same everywhere. The Constitution does not permit the Legislature to put a Chinese wall around the State of Tennessee, as Mr. Bryan seems to think should be done."

Late Saturday afternoon Attorney General Stewart informed the defense that the State had changed its mind about the agreement to argue the admissibility of scientific testimony on Monday, out of order; and the defense replied that every effort would be made to hold the State to the original plan.

For the defense it was explained that of the fifteen expert witnesses who had been called, some were already in Dayton and others were on their way there, that none were being paid above their expenses, and that it would be a hardship for them to have to come to Dayton with no opportunity to testify.

Sunday, too, was exciting. The Rev. Howard G. Byrd, the pastor of the Methodist Episcopal Church North, had invited the Rev. Charles Francis Potter, the widely known modernist of New York City, to occupy his pulpit. Mr. Bryan was also to speak on Sunday at the other Methodist Episcopal Church, and Mr. Byrd thought it fair to give a hearing to the other side of the question.

Returning from his mountain church on Sunday morning, Mr. Byrd was told by a woman of his congregation that the church would break up at once if he permitted "a New York infidel" to preach in its pulpit. Mr. Byrd replied that he would withdraw the invitation and resign.

Some time previously Mr. Byrd had aroused criticism when George W. Rappleyea, who persuaded Scopes to stand trial to test the anti-evolution law, was admitted to Mr. Byrd's church after having been expelled from the other Methodist Congregation. Then it became known that Mr. Byrd believed in evolution. In the window of Robinson's Drug Store, Mr. Rappleyea had caused to be posted an announcement of Dr. Potter's address, but soon afterwards some one had removed it.

In his public statement, Mr. Byrd declared he had decided to resign rather than split his flock because of his invitation to Dr. Potter. Later that day, he said:

"I'm an electrician of sorts. I'll get a job on a switchboard somewhere and study until I can hold a better job. There's nothing wrong with my congregation. This is merely a sample of small-town psychology. It could not be helped."

Dr. Potter posted on the drug store window a notice that he had withdrawn his acceptance of Mr. Byrd's invitation "owing to the threat of the congregation." The New York minister explained that more than half the congregation had gone to the parsonage and threatened to wreck the church if he preached.

Mr. Bryan delivered two addresses on that Sabbath day, one in the Methodist Episcopal Church South in the morning, and the other on the courthouse lawn in the afternoon. Dr. Neal, of defense counsel, sat on the church platform, and Judge Raulston and his two daughters occupied seats in front. Mr. Bryan was greeted with hand-clapping when he entered the church. In part, he said:

"While God does not despise the learned, he does not give

them a monopoly of His attention. The unlearned in this country are much more numerous than the learned.

"I am an enthusiast for education, but we have to deal with conditions as they are. A religion that didn't appeal to any but college graduates would be over the head or under the feet of 99 per cent of the people. The God I worship is the God of the ignorant as well as the God of the learned man.

"Thank God I am going to spend the latter years of my life in a locality where there is a belief in God, and in the Son of God, and in a civilization to be based on salvation through blood."

On Sunday, too, Mr. Bryan replied to newspaper statements, based upon a speech of his before the trial opened, that he intended to "put God into the Constitution."

"I have never in my life used any phrase in speech or writing in favor of putting God into the Constitution," he said. "I have never advocated teaching the Bible in public schools. I have advocated reading of the Bible, but not teaching it.

"There is no reason why school children should not hear of Bible characters, as well as of other characters, like Confucius, but the purpose of this trial is not to secure even the reading of the Bible in the schools. It is merely to prevent attacks upon the Bible and the introduction of irreligion, or forms of religions antagonistic to the religion of the taxpayers.

"Our purpose and our only purpose is to vindicate the right of parents to guard the religion of their children against efforts made in the name of science to undermine faith in supernatural religion. There is no attack on free speech, or freedom of the press, or freedom of thought, or freedom of knowledge, but surely parents have a right to guard the religious welfare of their children."

III

"RELIGIOUS FREEDOM" vs. "STATE'S RIGHTS"

A COATLESS and for the most part collarless crowd jammed the small courtroom for Monday morning's session, and photographers were already busily at work during the half hour of grace before the opening of court.

A microphone had been installed in the enclosure on the raised platform where Judge and jury had their places, enabling the overflow crowd outside to hear about the Bible and evolution through the loud speaker on the courthouse lawn.

It was still hot. Mr. Bryan wore a shirt with a starched bosom, but no collar. Mr. Darrow and his aides were also without coats, with the exception of Mr. Malone, who still bore up bravely inside his trim double-breasted coat; and the Judge looked comfortable in a Palm Beach suit.

Mr. Darrow objected to the opening of the session with prayer. The Judge said he could not entertain the objection because the invitation to deliver the prayer had already been accepted by the Rev. M. H. Moffat, Dayton Baptist church pastor.

The Judge excused the rest of the jury, while Attorney General Stewart questioned Mr. Gentry, Juror No. 5, as to whether he had expressed an opinion that Mr. Scopes was innocent. Mr. Gentry denied this. The jury was then recalled, and the new indictment was read.

The State was prepared to oppose any attempt by the defense to carry out the agreement of Friday to argue the admissibility of scientific testimony during Monday's session. But the defense had decided upon another course. Dr. Neal made a motion to quash the indictment against Mr. Scopes.

In supporting his motion, Dr. Neal argued, first on technicalities involved in the language of the law and the indictment,

then on alleged infringements of the Tennessee Constitution, and finally on alleged infringements of the "due process of law" provision in the Fourteenth Amendment to the Constitution of the United States.

He held that the law violated the State Constitution in that it dealt with two subjects, and that this Constitution directed the State Legislature to "cherish science." The statute was so loosely drawn, he held, that the defendant could not know the exact nature of his offense.

Opening the argument, Dr. Neal said in part:

"Not only can the State not cherish science under this act, but education cannot go on if it is impossible to make use of the theory of evolution. Tennessee cannot wipe out the scientific development of the world."

MR. STEWART—If Mr. Neal is going to elaborate these points I ask the Judge to dismiss the jury.

MR. DARROW—I object.

MR. STEWART—Why, the jury has no issue before it.

MR. MALONE—What difference does it make, then?

JUDGE RAULSTON—The Court will be more easy if the jury is out.

MR. DARROW—We will be less easy.

Resuming, after the jury had retired to the lawn, Dr. Neal read sections of the Tennessee Constitution guaranteeing freedom of religion, adding:

"These are the most sacred rights of the people."

Later he said:

"A law resting on an interpretation of the Bible must be vague. Every man interprets passages in the Bible to suit himself. There are millions of interpretations. How can the State of Tennessee define the construction of Bible passages by law?

"The State has no right to invade the broad field of opinion and religion. We are urged to repeal the law. We cannot do that. There is no doubt the Tennessee Legislature represents the majority of our people. We do not represent the majority. We are in the minority, but we demand that the inalienable rights of the minority, safeguarded by the Constitution, be upheld."

Mr. Hays cited Copernicus, Galileo and Bruno, and proposed this act as a parallel to the Tennessee anti-evolution law:

"Be it enacted by the General Assembly of the State of Tennessee that it be illegal for any teacher in any of the universities, normals, and other public schools in the state, which are supported in whole or in part by the public school funds of the state, to teach any theory which denies the Bible story that the earth is the center of the universe and to teach instead that the earth and planets move around the sun."

"Section 2—Be it further enacted, that any teacher found guilty of a violation of this act shall be guilty of a felony and upon conviction shall be put to death."

In his reply for the State, Mr. McKenzie said the bill proposed by Mr. Hays was not "half as kin to this act (the anti-evolution law) as we are to the monkeys."

MR. MCKENZIE—You do not need experts to explain a statute that explains itself. Under the law you cannot teach in the public schools the Bible. Why should it be improper to provide that you cannot teach this other theory? Now in the construction of a statute, it has to be construed in ordinary language. . . . We don't have to go out and get some fellow to construe it for us.

DR. NEAL—Are you arguing the admissibility of evidence, or the motion?

MR. MCKENZIE—I am replying to the extensive speech of the gentleman on evolution and incidentally to your argument. These questions have all been settled in Tennessee, and favorable to our contention. If these gentlemen have any laws in the great metropolitan City of New York that conflict with it, or in the Great White City of the Northwest that will throw any light upon it, we shall be glad to hear about it. This is not a statute that requires any outside assistance to define. The smallest boy in Rhea County schools, 16 years of age, knows as much about it as they would, after reading it once or twice.

MR. MALONE—We object to this argument. The motion before the Court does not object to the admissibility of evidence. We are discussing the constitutionality of this indictment on a motion to quash. And I would like to say here that I do not consider further allusion to geographical parts of the country as particularly necessary, such as references to New York and to citizens of Illinois. We are here as American citizens.

JUDGE RAULSTON—Mr. Malone, you do not know General McKenzie as well as the Court does. Anything he says is in a

good humor. I want you gentlemen from New York or any other foreign state to always remember that you are our guests, and that we accord you the same privileges and rights and courtesies that we do any other lawyer.

MR. MALONE—Your Honor, we want it understood that we deeply appreciate the hospitality of the Court and the people of Tennessee, and the courtesies that are being extended to us at this time, but we want it understood that while we are in this court room we are here as lawyers, not as guests.

MR. MCKENZIE—We have the highest regard for these distinguished lawyers. I will admit that I have no respect for their opinions that have been advanced as law, and do not believe it to be the law—that I have to say in the legal form. But, so far as wanting to insult or hurt the feelings of either one of these various gentlemen, that is not my intention. I have been reading from our Supreme Court opinion. I do not know whether they have any respect for that or not.

Mr. Hicks for the prosecution discussed the State's police power, upon which Mr. Stewart then argued the anti-evolution law was based. The Attorney General urged that the Constitutional direction that the Legislature should "cherish literature and science" was a direction for the Legislature's discretion, and emphasized this decision in the Leper case:

"We are of the opinion that the Legislature under the Constitutional provision may as well establish a uniform system of schools as a uniform system of criminal laws, and of course to execute them."

Mr. Stewart denied that the anti-evolution law interfered with religious freedom.

DR. NEAL—It does not mention the Bible?

MR. STEWART—Yes, it mentions the Bible. The Legislature, according to law, in my opinion, would have the right to preclude the teaching of geography.

DR. NEAL—Does not it prefer the Bible to the Koran?

MR. STEWART—It does not mention the Koran.

MR. MALONE—Does it not prefer the Bible to the Koran?

MR. STEWART—We are not living in a heathen country, so how could it prefer the Bible to the Koran? You forced me then, in advance of the matter I am arguing now, to get down to the absolute basis of the proposition—that it is the exercise

of the police power. That is the question that is involved.

MR. MALONE—I would say to base a theory set forth in any version of the Bible to be taught in the public school is an invasion of the rights of the citizen, whether exercised by the police power or by the Legislature.

MR. STEWART—Because it imposes a religious opinion?

MR. MALONE—Yes. What I mean is this: if there be in the State of Tennessee a single child or young man or young woman differing with your particular view of creation from the Bible, the law is interfering with his civil rights, under our theory of the case.

MR. STEWART—Mr. Malone, couldn't he go to school on Friday and study what is given him by the public school, then on Sunday study his Bible?

MR. MALONE—No. He should be given the same right in his views, and his rights should not be interfered with by any other doctrine.

MR. STEWART—It is not an invasion of a man's religious rights. He can go to church on Sunday or any other day, and there might be a meeting, and worship, according to the dictates of his conscience.

"It is a question of the exercise of the police power—nothing else; and if they undertake to pass an act to state you shall not teach a certain Bible or theory of anything in your churches—an invasion of private and civil right—then, according to my conception of this, it might interfere with this provision of the Constitution.

"But this is the authority on the part of the Legislature of the State of Tennessee: to direct the expenditure of the school funds of the State, and through the act to require that money shall not be spent in the teaching of the theories that conflict or contravene the Bible story of man's creation.

"It is an effort on the part of the Legislature to control and direct the expenditure of State funds, which they have a right to do. It is an effort on the part of the Legislature to control the public school system, which they have a right to do."

IV

MR. DARROW ON THE BIBLE, LAW, AND SCIENCE

FREEDOM of religious worship and its possible bearing on the Scopes case had already been discussed by the defense in its previous colloquies on Monday with the prosecution. Mr. Darrow now made it a major issue in his argument in favor of the motion to quash the indictment, a speech replete with many references to the Bible, its origins and interpretations, the alleged lack of both Constitutional authority for the anti-evolution law and of legal precedent for the indictment.

Answering Mr. McKenzie's remarks about the attorneys coming from other States, Mr. Darrow said:

"So far as coming from other cities is concerned, I came from Chicago, and my friend Malone and friend Hays came from New York; and, on the other side, we have a distinguished and very pleasant gentleman who came from California and another who is prosecuting this case, and who is responsible for this foolish, mischievous, and wicked act, who comes from Florida.

"This case we have to argue is a case at law," Mr. Darrow continued, "and hard as it is for me to bring my mind to conceive it, almost impossible as it is to put my mind back into the sixteenth century, I am going to argue it as if it were serious, and as if it were a death struggle between two civilizations.

"Now, let us see what there is to it. We have been informed that the Legislature has the right to prescribe the course of study in the public schools. Within reason they, no doubt, have. They could not prescribe it, I am inclined to think, under your Constitution, if it omitted arithmetic and geography and writing; neither, under the rest of the Constitution, if it shall remain in force in the State, could they prescribe it if the course of study was only to teach religion.

"Several hundred years ago, when our people believed in freedom, and when no men felt so sure of their own sophistry that

they were willing to send a man to jail who did not believe them, the people of Tennessee adopted a Constitution, and they made it broad and plain, and they said that the people of Tennessee should always enjoy religious freedom in its broadest terms. So I assume that no Legislature could fix a course of study which violated that.

"For instance, suppose the Legislature should say, 'We think the religious privileges and duties of the citizens of Tennessee are much more important than education.' We agree with the distinguished Governor of the State. If religion must go, or learning must go, why let learning go. I do not know how much of it would have to go, but let it go and, therefore, we will establish a course in the public schools teaching that the Christian religion as unfolded in the Bible is true, and that every other religion or modern system of ethics is false; and to carry that out, no person in the public schools shall be permitted to read or hear anything except Genesis, 'Pilgrim's Progress,' Baxter's 'Saints' Rest' and 'In His Image.' Would that be constitutional? If it is, the Constitution is a lie and a snare and the people have forgot what liberty means.

"I remember long ago Mr. Bancroft wrote this sentence, which is true:

" 'That it is all right to preserve freedom in constitutions, but when the spirit of freedom has fled from the hearts of the people, then its matter is easily sacrificed under law.'

"And so it is, unless there is left enough of the spirit of freedom in the State of Tennessee, and in the United States.

"There is not a single line of any constitution that can withstand bigotry and ignorance when it seeks to destroy the rights of the individual; and bigotry and ignorance are ever active. Here we find today as brazen and as bold an attempt to destroy learning as was ever made in the Middle Ages, and the only difference is we have not provided that they shall be burned at the stake. But there is time for that, your Honor. We have to approach these things gradually.

"Now let us see what we claim with reference to this law. If this proceeding, both in form and substance, can prevail in this court, then, your Honor, any law, no matter how foolish, wicked, ambiguous, or ancient, can come back to Tennessee. All

the guarantees go for nothing. All of the past has gone to waste, been forgotten, if this can succeed.

"I am going to begin with some of the simpler reasons why it is absolutely absurd to think that this statute, indictment, or any part of the proceedings in this case are legal; and I think the sooner we get rid of it in Tennessee the better for the people of Tennessee, and the better for the pursuit of knowledge in the world; so let me begin at the beginning.

"The first point we made in this suit is that it is unconstitutional on account of divergence and the difference between the statute and the caption and because it contains more than one subject.

"Every Constitution with which I am familiar has substantially this same proposition, that the caption and the law must correspond.

"Lots of things are put through the Legislature in the night time. Everybody does not read all of the statutes, even members of the Legislature—I have been a member of the Legislature myself, and I know how it is. They may vote for them without reading them, but the substance of the act is put in the caption, so it may be seen and read, and nothing may be in the act that is not contained in the caption. There is not any question about it, and only one subject shall be legislated on at once. Of course, the caption may be broader than the act. They may make a caption and the act may fall far short of it, but the substance of the act must be in the caption, and there can be no variance.

"Now let us see what they have done. There is not much dispute about the English language, I take it. Here is the caption:

> "'Public Act, Chapter 37, 1925, an act prohibiting the teaching of the evolution theory in all the universities, normals, and all the public schools of Tennessee which are supported in whole or in part by the public school funds of the State, and to prescribe penalties for the violation thereof.'

"Now what is it—an act to prohibit the teaching of the evolution theory in Tennessee? Is this the act? Is this statute to prevent the teaching of the evolution theory? There is not a word said in the statute about evolution. There is not a word said in the statute about preventing the teaching of the theory of evolution—not a word.

"This caption says what follows is an act forbidding the teaching of evolution, and the Catholic could have gone home without any thought that his faith was about to be attacked. The Protestant could have gone home without any thought that his religion could be attacked. The intelligent, scholarly Christians, who by the millions in the United States find no inconsistency between evolution and religion, could have gone home without any fear that a narrow, ignorant, bigoted shrew of religion could have destroyed their religious freedom and their right to think and act and speak; and the nation and the State could have laid down peacefully to sleep that night without the slightest fear that religious hatred and bigotry were to be turned loose in a great State.

"Any question about that? Anything in this caption whatever about religion, or anything about measuring science and knowledge and learning by the Book of Genesis, written when everybody thought the world was flat? Nothing.

"They went to bed in peace, probably, and they woke up to find this, which has not the slightest reference to it; which does not refer to evolution in any way; which is, as claimed, a religious statute.

"That is what they found and here is what it is:

" 'Be it enacted by the General Assembly of the State of Tennessee, that it shall be unlawful for any teacher in any of the universities, normals, and all other public schools in the State, which are supported in whole or in part by the public school funds of the State, to teach'—what, teach evolution? Oh, no.—'To teach the theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals.'

"That is what was foisted on the people of this State, under a caption which never meant it, and could give no hint of it; that it should be a crime in the State of Tennessee to teach any theory,—not evolution, but any theory of the origin of man, except that contained in the divine account as recorded in the Bible.

"But the State of Tennessee, under an honest and fair interpretation of the Constitution, has no more right to teach the Bible as the Divine Book than that the Koran is one, or the Book of Mormon, or the Book of Confucius, or the Buddha,

or the Essays of Emerson, or any one of the 10,000 books to which human souls have gone for consolation and aid in their troubles.

"They will have to arrange their cohorts and come back for another fight if the courts of Tennessee stand by their own Constitution, and I presume they will. It is binding on all the courts of Tennessee, and on this court among the rest, and it would be a travesty that a caption such as this is, and a body such as this is, would be declared valid law in the State of Tennessee.

"Now as to the statute itself. It is full of weird, strange, impossible, and imaginary provisions. Driven by bigotry and narrowness, they come together and make this statute and bring this litigation.

"The statute should be comprehensible. It should not be written in Chinese. It should be in passing English, so a man would know whether he is liable to go to jail when he is teaching debatable subjects or those so ambiguous as to be a snare or trap to someone who does not agree with you. It should be plain, simple, and easy.

"Does this statute state what you shall teach and what you shall not?

"Not at all.

"Does it say you cannot teach the earth is round, because Genesis says it is flat? No.

"Does it say you cannot teach that the earth is millions of ages old, because the account in Genesis makes it less than 6,000 years old? Oh, no. It doesn't state that. If it did, you could understand it. It says you shan't teach any theory of the origin of man that is contrary to the divine theory contained in the Bible.

"Now, let us pass up the word 'divine.' No Legislature is strong enough in any State in the Union to characterize and pick any book as being divine. Let us take it as it is. What is the Bible?

"Your Honor, I have read it myself. I might have read it more, or more wisely. Others may understand it better. Others may think they understand it better, when they do not. But in a general way, I know what it is. I know there are millions

of people in the world who look on it as being a divine book, and I have not the slightest objection to it.

"I know there are millions of people in the world who derive consolation in their times of trouble and solace in times of distress from the Bible. I would be pretty near the last one in the world to do anything or take any action to take it away. I feel exactly the same toward the religious creed of every human being who lives.

"If anybody finds anything in this life that brings them consolation and health and happiness, I think they ought to have it, whatever they get. I haven't any fault to find with them at all.

"But what is it? The Bible is not one Book. The Bible is made up of sixty-six books written over a period of about 1,000 years, some of them very early and some of them comparatively late. It is a book primarily of religion and morals. It is not a book of science—never was and was never meant to be. Under it, there is nothing prescribed that would tell you how to build a railroad or a steamboat or to make anything that would advance civilization.

"It is not a textbook or a text on chemistry; it is not big enough to be. It is neither a textbook nor primer on geology; its authors knew nothing about geology. It is not a work on evolution; that is a mystery. It is not a work on astronomy; the man who looked out at the universe and studied the heavens had no thought but that the earth was the center of the universe. But we know better; we know better than that. We know that the sun is the center of the solar system, and that there are an infinity of other systems around about us. They thought the sun went around the earth and gave us light and gave us night. We know better. We know the earth turns on its axis to produce days and nights.

"They thought the earth was 4,004 years old before the Christian era. We know better. I doubt if there is a person in Tennessee who does not know better. They told it as best they knew, and, while suns may change, there are no doubt certain primitive, elemental instincts in the organs of man that remain the same. He finds out what he can and yearns to know more and supplements his knowledge with hope and faith.

"That is the province of religion; and I haven't the slightest fault to find with it, not the slightest in the world. One has

one thought and one another, and instead of fighting each other as in the past, they should support and help each other.

"Let's see now. Can your Honor tell what is given as the origin of man as shown in the Bible? Is there any human being who can tell us?

"There are two conflicting accounts in the first two chapters. There are scattered all through it various acts and ideas, but to pass that up for the sake of argument, no teacher in any school in the State of Tennessee can know that he is violating a law, but must test every one of its doctrines by the Bible, must he not?

"You cannot say 'two times two equals four' or make a man an educated man, if evolution is forbidden. It does not specify what you cannot teach, but says you cannot teach anything that conflicts with the Bible. Then just imagine making it a criminal code that is so uncertain and impossible that every man must be sure that he has read everything in the Bible and not only read it, but understood it, or he might violate the criminal code.

"Who is the chief mogul that can tell us what the Bible means? He or they should write a book and make it plain and distinct, so we would know.

"Let us look at it. There are in America at least 500 different sects or churches, all of which quarrel with each other on the importance and non-importance of certain things or the construction of certain passages. All along the line they do not agree among themselves and cannot agree among themselves. They never have and probably never will.

"There is a great division between the Catholics and the Protestants. There is such a disagreement that my client, who is a school teacher, not only must know the subject he is teaching, but he must know everything about the Bible in reference to evolution. And he must be sure that he expresses it right or else some fellow will come along here, more ignorant perhaps than he, and say, 'You made a bad guess and I think you have committed a crime.'

"No criminal statute can rest that way. There is not a chance for it, for this is a criminal statute, and every criminal statute must be plain and simple.

"If Mr. Scopes is to be indicted and prosecuted because he

taught a wrong theory of the origin of life, why not tell him what he must teach? Why not say that you must teach that man was made of the dust; and, still stranger, not directly from the dust, without taking any chances on it whatever, that Eve was made out of Adam's rib? You will know what I am talking about.

"Now my client must be familiar with the whole book, and must know all about all of these warring sects of Christians, and know which of them is right and which wrong, in order that he will not commit a crime.

"Nothing was heard of all that until the Fundamentalists got into Tennessee. I trust that when they prosecute their wildly made charge upon the intelligence of some other sect they may modify this mistake and state in simple language what was the account contained in the Bible that could not be taught. So unless other sects have something to do with it, we must know just what we are charged with doing.

"This statute, I say, your Honor, is indefinite and uncertain. No man could obey it, no Court could enforce it, and it is bad for indefiniteness and uncertainty. Look at that indictment up there. If that is a good indictment I never saw a bad one.

"Now, I do not expect, your Honor, my opinion to go because it is my opinion, because I am like all lawyers who practice law: I have made mistakes in my judgment of law. I will probably make more of them.

"I insist that you might just as well hand my client a piece of blank paper and then send the sheriff after him to jail him.

"Let me read this indictment. I am reading from a newspaper. I forget what newspaper it was, but am sure it was right: 'That John Thomas Scopes on April, 1925, did unlawfully and willfully teach in the public schools of Rhea County, Tennessee, which public schools are supported in part and in whole'—I don't know how that is possible, but we will pass that up—'in part or in whole by the public school funds of the State a certain theory and theories that deny the story of the divine creation of man as taught in the Bible and did teach instead thereof that man is descended from a lower order of animals.'

"Now, then, there are some things that are very elementary. That is one of them, and very elementary, because the Constitu-

SCOPES AND HIS DEFENDERS

Dudley Field Malone *John Thomas Scopes* *Clarence Darrow*

be taught, and among the rest they decided that Frye's geography should be taught. That any teacher who did not follow the law and taught something else should be fined $25. Of course, it wasn't so bad as to teach evolution, although the statute doesn't say anything about evolution. Now they indicted him and this is what they said in the indictment—this is their leading case:

"'The grand jury for the State of Tennessee, upon their oaths, present that Edward Leper, heretofore to wit: On the 5th day of October, 1899, in the state and county aforesaid, being then and there a public school teacher teaching in the public school known as School No. 5, Sixth District, Blount County'—they pick that all right—'did unlawfully use and permit to be used in said public school, after the State Text Book Commission had adopted and prescribed for use in the public schools of the state, Frye's "Introductory Geography" as a uniform text book, another and different text book on that branch than the one so adopted aforesaid, to wit: Butler's "Geography," and the new "Eclectic Elementary Geography," against the peace and dignity of the state.'

"Now, your Honor, would that have been a good indictment if they had left all that out and said he taught some book not authorized by the Board?

"He has got a right to know what he taught and where he taught it and all the necessary things to convict him of crime. Your Honor, he cannot be convicted in this case unless they prove what he taught and where he taught it, and we have got a right to know all that before we go into court—every word of it.

"The indictment isn't any more than so much blank paper. I insist, your Honor, that no such indictment was ever returned before on land or sea. Some man may pull one on me, but I don't think so—I don't think so. You might just as well indict a man for being no good—and we could find a lot of them even down here, probably, and if we couldn't I could bring them down from Chicago—but a man is held only to answer for a specific thing and he must be told what that specific thing is before he gets into court.

"The statute is absolutely void, because they have violated the Constitution in its caption, and the indictment is void because

it is uncertain and gives no fact or information; and it seems to me the main thing they did in bringing this case was to try to violate as many provisions of the Constitution as they could, to say nothing about all the spirit of freedom and independence that has cost the best blood in the world for ages,—and it looks like it will cost some more.

"This legislation—this legislation and all similar legislation that human ingenuity and malice can concoct—is void because it violates Section 13, Section 12, and Section 3 [of the Tennessee Constitution].

"I want to call attention to that, your Honor. Section 12 is the section providing that the State should cherish science, literature, and learning. Now, your Honor, I make it a rule to try and not argue anything that I do not believe in, unless I am caught in a pretty close corner, and I want to say that the construction the Attorney General has given to that, I think, is correct.

"It shows the policy of the State. It shows what the State is committed to. I don't believe that a statute could be set aside as unconstitutional simply because the Legislature did not see fit to pass proper acts to enlighten and educate the yeomen of Tennessee.

"The State by Constitution is committed to the doctrine of education, committed to schools. It is committed to teaching, and I assume when it is committed to teaching it is committed to teaching the truth—ought to be anyhow—plenty of people to do the other.

"It is committed to teaching literature and science. My friend has suggested that literature and science might conflict. I cannot quite see how, but that is another question; but that indicates the policy of the State of Tennessee, and whenever it is used in construing the constitutionality of this act, it can only be used as an indication of what the State meant, and you could not pronounce a statute void on it; but we insist that this statute is absolutely void because it contravenes Section 3, which is headed 'The Right of Free Worship.'

"It is impossible, if you leave freedom in the world, to mold the opinions of one man upon the opinions of another—only

tyranny can do it—and your constitutional provision providing freedom of religion was to meet that emergency.

"I will go further. There is nothing else since man—I don't know whether I dare say evolved; still, this isn't a school—since man was created out of the dust of the earth—out of hand—there is nothing else, your Honor, that has caused the difference of opinion, the bitterness, hatred, war, and cruelty, that religion has caused. With that, of course, it has given consolation to millions, but only if these particular things that should be are left solely between the individual and his Maker, or his God, or whatever takes His place with him, and it is no one else's concern.

"How many creeds and cults are there in this whole world over? No man could enumerate them. At least, as I have said, five hundred different Christian creeds,—all made up of differences, your Honor, every one of them, and these subdivided into small differences, until they reach that number in every congregation. Because to think is to differ. And then there are any number of creeds older, and any number of creeds younger, than the Christian creed, any number of them; the world has had them forever. They have come, and they have gone. They have abided their time and have passed away. Some of them are here still, some may be here forever; but there has been a multitude, due to the multitude and manifold differences in human beings, and it was meant by the Constitutional Convention of Tennessee to leave these questions of religion between man and whatever he worshiped,—to leave him free.

"Has the Mohammedan any right to stay here and cherish his creed? Has the Buddhist a right to live here and cherish his creed? Can the Chinaman who comes here to wash our clothes, can he bring his joss and worship it? Is there any man that holds a religious creed, no matter where he came from, or how old it is, or how false it is,—is there any man that can be prohibited by any act of the Legislature of Tennessee? Impossible!

"The Constitution of Tennessee, as I understand it, was copied from the one that Jefferson wrote—so clear, simple, direct—to encourage the freedom of religious opinion. It said in substance that no act shall ever be passed to interfere with complete religious liberty.

"Now, wait—is this it or not? What do you say? What does it do?

"We will say I am a scientist. No, I will take that back—I am a pseudo-scientist, because I believe in evolution,—pseudo-scientist, named by somebody, who neither knows or cares what science is, except to grab it by the throat and throttle it to death. I am a pseudo-scientist, and I believe in evolution. Can a legislative body say, 'You cannot read a book or take a lesson, or make a talk on science until you first find out whether you are saying anything against Genesis'? Can it? It can, unless that constitutional provision protects me.

"Can it say to the astronomer, 'You cannot turn your telescope upon the infinite planets and suns and stars that fill space unless you find that the earth is not the center of the universe and there is not any firmament between us and the Heaven'? Can it? It could, except for the work of Thomas Jefferson which has been woven into every state constitution of the Union, and has stayed there like the flaming sword to protect the rights of man against ignorance and bigotry. And when it is permitted to overwhelm them, then we are taken in a sea of blood and ruin that compared with it all the miseries and tortures and wars of the Middle Ages would be as nothing.

"They would need to call back these men once more. But are the provisions of the constitutions that they left, are they enough to protect you and me, and everyone else in a land which we thought was free?

"Now, let us see what it says: 'All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience.'

"That takes care even of the despised Modernist, who dares to be intelligent.

" 'That no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience in any case whatever.'

"Let us see. Here is the State of Tennessee, living peacefully, surrounded by its beautiful mountains, each one of which contains evidence that the earth is millions of years old. Here is a state going along in its own business, teaching evolution

for years: state boards handing out books on evolution, professors in colleges, teachers in schools, lawyers at the bar, physicians, ministers,—a great percentage of the intelligent citizens of the State of Tennessee, evolutionists, have not even thought it was necessary to leave their Church.

"They believed that they could appreciate and understand and make their own simple and human doctrine of the Nazarene, to love their neighbors, be kindly with them, not to place a fine on and not to try to send to jail some man who did not believe as they believed. And they got along all right with it, too, until something happened.

"They have not thought it necessary to give up their Church because they believed that all that was here was not made on the first six days of creation, or that it had come by a slow process of developments extending over the ages, or that one thing grew out of another.

"They are people who believed that organic life and the plants and the animals and man, and the mind of man, and the religion of man are the subjects of evolution, and they have not got through, and that the God in which they believed did not finish creation on the first day, but that he is still working to make something better and higher still out of human beings, who are next to God, and that evolution has been working forever and will work forever—they believe it.

"And along comes somebody who says we have got 'to believe it as I believe it; it is a crime to know more than I know.' And they publish a law to inhibit learning. Now what is in the way of it?

"First, what does the law say? This law says that it shall be a criminal offense to teach in the public schools any account of the origin of man that is in conflict with the divine account in the Bible. It makes the Bible the yardstick to measure every man's intellect, to measure every man's intelligence, and to measure every man's learning.

"Are your mathematics good? Turn to Elijah i, 2. Is your philosophy good? See Samuel ii, 5. Is your astronomy good? See Genesis, chapter ii, verse 7. Is your chemistry good? See —well, chemistry, see Deuteronomy 6, or anything that tells about brimstone. Every bit of knowledge that the mind has must be submitted to a religious test.

"Now, let us see. It is a travesty upon language, it is a travesty upon justice, it is a travesty upon the Constitution, to say that any citizen of Tennessee can be deprived of his rights by a legislative body in the face of the Constitution.

"Your life and my life and the life of every American citizen depends after all upon the tolerance and forebearance of his fellow men. If men are not tolerant, if men cannot respect each other's opinions, if men cannot live and let live, then no man's life is safe.

"Here is a country made up of Englishmen, Irishmen, Scotch, Germans, Europeans, Asiatics, Africans,—men of every sort and men of every creed and men of every scientific belief. Who is going to begin this sorting out and say: 'I shall measure you. I know you are a fool or worse. I know, and I have read a creed telling what I know, and I will make people go to Heaven even if they don't want to go with me. I will make them do it.' Where is the man that is wise enough to do it?

"This statute is passed under the police power of this State. Is there any kind of question about that? Counsel have argued that the Legislature has the right to say what shall be taught in the public school. Yes, within limits, they have. We do not doubt it, but they probably cannot say writing and arithmetic could not be taught, and certainly they cannot say nothing can be taught unless it is first ascertained that it agrees with the Scriptures. Certainly, they cannot say that.

"But this is passed under the police power. Let me call your Honor's attention to this,—this is a criminal statute, nothing else. It is not any amendment to the school law of the State. It makes it a crime in the caption to teach evolution and in the body of the act to teach something else.

"Any law passed under the police power must be uniform in its application—must be uniform. What do you mean by a police law? Well, your Honor, that calls up visions of policemen and penitentiaries and electrocutionary establishments, and all that, and wickedness of heart.

"I do not imagine evolution hurts the health of anyone, probably not the morals, excepting as all enlightenment may, and the ignorant think of course that it does. But it is not passed

for them, your Honor. Oh, no; it is not passed because it is best for the public morals that they shall not know anything about evolution, but because it is contrary to the divine account contained in Genesis. That is all—that is the basis of it.

"Here is a law which makes it a crime to teach evolution in the caption. I don't know whether we have discussed that or not, but it makes it a crime in the body of the act to teach any theory of the origin of man excepting that contained in the divine account, which we find in the Bible. All right. Now that applies to what? Teachers in the public schools.

"Now, I have seen somewhere a statement of Mr. Bryan's that the fellow that made the pay check had a right to regulate the teachers. All right. Let us see. I do not question the right of the Legislature to fix the courses of study, but the State of Tennessee has no right under the police power of the State to carve out a law which applies to school teachers, a law which is a criminal statute and nothing else; which makes no effort to prescribe the school law or course of study. It says that John Smith, who teaches evolution, is a criminal if he teaches it in the public schools.

"There is no question about this act; there is no question where it belongs; there is no question of its origin. Nobody would claim for a minute that the act could be passed excepting that teaching evolution was in the nature of a criminal act; and that therefore the State should forbid it.

"Now, if this is the subject of a criminal act, then it cannot make a criminal out of a teacher in the public schools and [at the same time] leave a man free to teach it in a private school.

"It cannot make it criminal for this teacher to teach evolution and permit books upon evolution to be sold in every store in the State of Tennessee, and to permit the newspapers from foreign cities to bring into your peaceful community the horrible utterances of evolution. Oh, no, nothing like that.

"Now, your Honor, there is an old saying that nits are made of lice. I don't know whether you know what it makes possible down here in Tennessee. I know; I was raised in Ohio. It is a good idea to clear the nits—safer and easier.

"To strangle puppies is good, when they grow up into mad

dogs, maybe. I will tell you what is going to happen, and I do not pretend to be a prophet, but I do not need to be a prophet to know.

"Your Honor knows that fires have been lighted in America to kindle religious bigotry and hate. You can take judicial notice of them, if you cannot of anything else.

"If today you can take a thing like evolution and make it a crime to teach it in the public schools, tomorrow you can make it a crime to teach it in the private schools, and next year you can make it a crime to teach it to the hustings or in the church. At the next session you may ban books and the newspapers. Soon you may set Catholic against Protestant, and Protestant against Protestant, and try to foist your own religion upon the minds of men.

"If you can do one, you can do the other. Ignorance and fanaticism are ever busy and need feeding. Always they are feeding and gloating for more. Today it is the public school teachers, tomorrow the private, the next day the preachers and the lecturers, the magazines, the books, the newspapers.

"After a while, your Honor, it is the setting of man against man and creed against creed, until with flying banners and beating drums we are marching backward to the glorious ages of the sixteenth century when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind."

V

PRAYER AND A PREMATURE REPORT

WHEN Judge Raulston, on the morning of the third day of the trial, asked the Rev. A. C. Stribling to open the court with prayer, Mr. Darrow promptly objected,

MR. DARROW—I object to prayer and I object to the jury being present when the Court rules on the objection.

MR. STEWART—The jury is not here.

JUDGE RAULSTON—Are any of the jury in the court room? (No response.) Now, I do not want to be unreasonable about anything, but I believe I have a right—I am responsible for the conduct of the court, and it has been my custom since I have been Judge to have prayers in the court room when it was convenient, and I know of no reason why I should not follow up this custom, so I will overrule the objection.

MR. DARROW—I understand from the Court himself that he has sometimes opened the court with prayer, and sometimes not, and we took no exceptions on the first day, but seeing this is persisted in at every session, and the nature of this case being one where it is claimed by the State that there is a conflict between science and religion, above all other cases there should be no part taken outside of the evidence, and no attempt should be made by means of prayer or in any other way to influence the deliberation and consideration of the jury of the facts in this case. For that reason we object to the opening of the services with prayer, and I am going to ask the reporters to take down the prayer and make specific objections again to any such parts as we think are especially obnoxious to our case.

MR. MCKENZIE—That matter has been passed upon by our Supreme Court. Judge Shepherd took a case from the court when the jury, after retiring to consider their verdict, at the suggestion of one of them, bowed in prayer, and asking divine guidance, afterward delivering a verdict not excepted to, and

afterward taken to the Supreme Court, which said it was commendable to the jury to ask for divine guidance.

MR. DARROW—I do not object to the jury or anyone else praying in secret or in private, but I do object to the turning of this court room into a meeting house on the trial of this case. You have no right to do it.

JUDGE RAULSTON—You have a right to put your exceptions in the record.

MR. STEWART—In order that the record may show the State's position, the State makes no contention, as stated by counsel for the defense, that this is a conflict between science and religion in so far as the merits are concerned. It is a case involving the fact as to whether or not a school teacher has taught a doctrine prohibited by statute, and we, for the State, think it is quite proper to open this court with prayer if the Court sees fit to do it, and such an idea extended by the agnostic counsel for the defense is foreign to the thoughts and ideas of the people who do not know anything about infidelity and care less.

MR. HAYS—May I ask to enter an exception to the statement "agnostic counsel for the defense"?

MR. MALONE—I would like to reply to this remark of the attorney. Whereas I respect my colleague, Mr. Darrow's right to believe or not to believe as long as he is as honest in his unbelief as I am in my belief, as one of the members of counsel who is not an agnostic, I would like to state the objection from my point of view.

"Your Honor has the discretion to have a prayer or not to have a prayer. There was no exception offered and I can assure the Court that when we discussed it among ourselves as colleagues, there was no exception felt to the opening of these proceedings by prayer the first day, but I would like to ask your Honor whether in all the trials over which your Honor has presided this court has had a clergyman every morning of every day of every trial to open the court with prayer.

"Our objection goes to the fact that we believe that this daily opening of the court with prayers—those prayers we have already heard having been duly argumentative—that they help to increase the atmosphere of hostility to our point of view, which already exists in this community by widespread propaganda."

MR. STEWART—In reply to that, there is still no question in-

volved in this lawsuit as to whether or not Scopes taught a doctrine prohibited by the State—that is, that man descended from a lower order of animals. So far as creating an atmosphere of hostility is concerned, I would advise Mr. Malone that this is a God-fearing country.

MR. MALONE—And it is no more a God-fearing country than that from which I come and in which I live.

JUDGE RAULSTON—Gentlemen, do not turn this into an argument.

MR. DARROW—I would like to reply to counsel that this statute says no doctrine shall be taught which is contrary to the divine account contained in the Bible; so there is no question about the religious character of these proceedings.

JUDGE RAULSTON—This Court has no purpose except to find the truth and do justice to all the issues involved in this case. In answer to counsel for the defendant as to my custom, I will say that the several years I have been on the bench I have used my discretion in opening the court with prayer. At times there was a minister present and it was convenient to do so. Other times when there was no minister present, when there was no large assemblage of people and no minister present, I have not always followed this custom, but I think it is a matter wholly within the discretion of the Court. I have instructed the ministers who have been invited to my rostrum to open the court with prayer to make no reference to the issues involved in this case. I see nothing that might influence the Court or jury as to the issues. I believe in prayer myself; I constantly invoke divine guidance myself, when I am on the bench and off the bench; I see no reason why I should not continue to do this. It is not the purpose of this Court to bias or prejudice the mind of any individual, but to do right, in all matters under investigation. Therefore, I am pledged to overrule the objection of counsel and invite Dr. Stribling to open the court with prayer.

MR. DARROW—I note an exception, your Honor.

MR. STRIBLING (offering prayer)—Our Father, to Thee we give all the praise for every good thing in life and we invoke Thy blessings upon us this morning, as accountable beings to Thee, as we enter into the duties of this day. It matters not what our relation to man may be. We have a responsibility to fulfil righteously the tasks that are ours to do, and we would

ask Thee this morning, O God, to make us fully conscious of Thy presence and to give unto us minds that are willing to be directed in the way Thou wouldst have us go. We pray, our Father, to bless the proceeding of this court, bless the court, the Judge as he presides, and may there be in every heart and in every mind a reverence to the Great Creator of the world. We ask Thee, our Father, to help us every one to find our place in our relation to every other man, so that we can best serve, can best know human interests and can best sympathize with the needs of every heart. To this end, we ask that Thou wilt enlighten our minds and lead us to understand and know truth in its every phase. We ask it in the name of our Blessed Redeemer, Jesus Christ. Amen.

Later, Mr. Darrow requested that the record show daily the objection of the defense to opening court with prayer and the exception of the defense to the Court's ruling against that objection.

Judge Raulston had not finished preparing his opinion accompanying his decision on the motion to annul the indictment, and so the Court was adjourned until one o'clock and then again, at that time, until 2:30.

Meanwhile, something quite unprecedented had happened. The International News Service had sent out a report that the Judge would deny the motion to quash, although no report of this had been officially given out. When Court reconvened, Judge Raulston took this matter up at once:

JUDGE RAULSTON—I want to announce that I gave strict instructions to the stenographer that my opinion was not to be released to any person or any information given out. If any member of the press has any intimation as to what my opinion is—no person knows except myself and the stenographer—and sends it out before I begin to read it, I will deal with him for contempt of court.

With this warning, the Judge retired to his chambers again, resuming the bench about an hour later. Mr. Hays made a motion that ministers of different sects and religions alternate in offering daily prayers.

MR. STEWART—Your Honor, just a minute. I submit that is entirely out of order.

MR. HAYS—Mr. Stewart——

MR. STEWART—This is not an assembly met for any purpose of hearing a motion of that sort, or anything of that sort. Your Honor has passed upon the motion.

MR. HAYS—I insist upon making this motion.

MR. STEWART—I am making my exception to the Court, will you please keep your mouth shut?

MR. HAYS—Will your Honor hear my motion?

MR. STEWART—I am making my exception to the Court.

JUDGE RAULSTON—I will hear it.

MR. STEWART—It is entirely out of order and I except to it, with all the vehemence of my nature.

JUDGE RAULSTON—I will hear it. Proceed, Mr. Hays.

MR. HAYS—Our motion is, your Honor, without, of course, giving up our exception to your Honor's ruling, that if the Court denies that this petition be granted, we have an opportunity to hear prayer by men who think that God has shown His divinity in the wonders of the world, in the book of nature quite as much as in the Book of the revealed word.

JUDGE RAULSTON—I shall refer that petition to the Pastors' Association of this town, and I shall ask them from now on to name the man who is to conduct prayer. I shall have no voice, make no suggestion as to whom they name, but I will invite the man named by the association to conduct the prayer each morning.

DR. NEAL—Your Honor knows that the men your Honor refers this motion to are not among the class of men that signed the petition.

JUDGE RAULSTON—I see by the press one minister has resigned his post recently because Dr. Potter was not allowed to preach in his church, and, I take it, he is in sympathy with Dr. Potter and his doctrine. The others are perhaps Fundamentalists, I don't know.

"Now, I have a very serious matter to speak of. I dictated my opinion in this case, which is lengthy. I have been about some four hours in the preparation of the opinion. I gave it to a court stenographer, a reputable court stenographer, in secret, with instructions that no living person know anything as to the conclusions I had reached until I had begun to read my opinion from the bench. I have not intimated to any living

soul what my opinion was, except to the stenographer who took the dictation.

"I am now informed that newspapers in the large cities are now being sold which undertake to state what my opinion is. Now, any person that sent out any such information as that sent it out without the authority of this court, and if I find that they have corruptly secured said information, I shall deal with them as the law directs. Now, on account of this improper conduct—apparently, at least, improper conduct—of some person or persons, the Court has decided to withhold his decision until tomorrow morning, and tomorrow morning, after the opening of the court, the decision will be read.

"Now, when the crowd is gone from the court room, I want all the members of the press to meet me in this court room. I want to talk with them about this matter. If I find that some representative here has used any stratagem or used any corrupt means or has in any manner secured my opinion, or as to the result of it, and sent it out, I shall promptly deal with him and, of course, excuse him from any further presence in this court room."

The conference with the newspapermen resulted in the appointment of a committee from among their number, with Richard Beamish of *The Philadelphia Inquirer* as chairman, to investigate the matter and report to the Court next day.

VI

JUDGE RAULSTON DECIDES

THE "mystery" surrounding the advance announcement of Judge Raulston's decision was explained on the following morning, which began somewhat sensationally with the announcement of Chairman Beamish that the information had not been obtained improperly. In fact, the committee recommended that the matter be dropped promptly.

Since Mr. Beamish did not divulge the name of the reporter (who was William K. Hutchison of *The International News Service*) Judge Raulston was not satisfied:

JUDGE RAULSTON—Where did the reporter get his information?

MR. BEAMISH—From the Court, your Honor.

The chairman then explained that while walking with the Judge a few days previously, Hutchison had asked whether a certain paper the Judge was carrying was his decision on the motion to quash. The Judge replied that it was not.

Hutchison then asked whether court would continue after the Judge's opinion had been given, or adjourn to the next day. The Judge, not suspecting the purport of the query, replied that Court would adjourn to the next day.

On this reply Hutchison based his advance information story. If the defense motion was to be sustained and the indictment quashed, naturally there would be no session next day to which to adjourn.

Judge Raulston then began to question Hutchison, and upon Hutchison's request for information as to his rights to be represented by counsel, adjourned the questioning to his chambers. There the incident was "closed" without action against Hutchison. The Judge remarked that he wished to be fair to the newspapermen, and wanted them to be fair to him also, adding:

"Don't ask me any questions without putting me on notice what it is about."

Court on this fourth day was opened with prayer by the Rev. Charles Francis Potter, modernist, appointed by the local Pastors' Association. In his shirt-sleeves, Dr. Potter stretched out his arms and offered the shortest prayer yet heard during the trial:

"O Thou to whom all pray and for whom are many names, lift up our hearts this morning that we may seek Thy truth. May we in all things uphold the end of justice and seek that those things may be done which will most redound to Thy honor, to Thy glory and to the progress of mankind toward Thy truth. Amen."

Dr. Neal made the usual objection of the defense to opening the session with prayer. Mr. Hicks for the State protested against what he called the "constant heckling" on this subject, and Judge Raulston said:

"The Court in selecting ministers to open the court with prayer has had no regard to denominational lines and no concern about sects. The Court believes that any religious society that is worthy of the name should believe in God and believe in divine guidance. The Court has not purposed by opening the court with prayer to influence anybody wrongfully. I do not see how it can do anybody any harm, and" (looking at the defense table) "it may do some good."

Mr. Stewart then apologized to Mr. Hays for asking him, on the previous day, to shut his mouth, and Mr. Hays accepted the apology. Then Dr. Neal demanded an apology from Mr. Stewart for his reference, the day before, to Mr. Darrow as an agnostic, but this Mr. Stewart refused.

Mr. Darrow—I don't want the Court to think I take any exception to Mr. Stewart's statement. Of course, the weather is warm and we may all go a little farther than we might at times, but he is perfectly justified in saying that I am an agnostic, for I am. And I do not consider it an insult, but rather a compliment to be called an agnostic. I do not pretend to know where many ignorant men are sure—that is all that agnosticism means.

"He did, however, use a word, 'infidel.' Although Mr. Stewart says he thinks I am wrong, I am quite certain I am not. Of course the word 'infidel' has no meaning whatever. Every-

body is an infidel that does not believe in the prevailing religion. Among the Saracens everybody is an infidel who does not believe with them, and in a Mohammedan country everybody that is not a Mohammedan is an infidel, and in a Christian country everybody that is not a Christian is an infidel. It has no generic meaning, and I don't think I am fairly classified under it.

"But I do say this—and I have no doubt the Attorney General will agree with me—I don't know what their particular brand of religion may be. I presume among the six or seven there are six or seven different brands. But while I take no offense for anybody to say in any way that I am an agnostic, for I am, I think everybody's religious rights and religious liberties are protected under the Constitution of Tennessee, and, if not, they would be protected under the fellowship that we owe to each other, and I do not think that anybody's religious creed should be used for the purpose of prejudicing or influencing any action in this case.

"The fact that I am an agnostic ought not to weigh in the balance as to whether Mr. Scopes is guilty or innocent. And all that I ask for is that if counsel thinks it is wise to refer to it again, it shall not be done in such a way in the presence of the jury as to in any manner influence anybody, and I think I am right on that. I do not take any offense whatever in his having said I was an agnostic, although I hate to be accused of such a foolish thing as infidelity, because everybody in the world can be accused of that."

JUDGE RAULSTON—What do you say, General Stewart?

MR. STEWART—I think we are wasting a lot of valuable time in felicitations and I am ready if these gentlemen will join me in this lawsuit as lawyers. I would like to get done with this thing.

Before rendering his opinion on the motion to quash, Judge Raulston posed for the photographers with that document in his hand. His decision overruled the defense on every point. On the subject of free worship and free speech, he said:

"I fail to see how this act in any wise interferes or in the least restrains any person from worshiping God in the manner that best pleaseth him. I cannot conceive how the teacher's rights under this provision of the Constitution relating to free-

dom of worship would be violated by the act at issue. There is no law in the State of Tennessee that undertakes to compel this defendant, or any other citizen, to accept employment in the public schools."

After referring to the Nebraska and Oregon cases, recently decided in the United States Supreme Court, he continued:

"In the case of Leper vs. the State . . . the Supreme Court of Tennessee said that the State may establish a uniform series of books to be taught in the schools which it provides and controls. This seems to be a proposition as evident as that it may provide a uniform system of schools, which we take it is not now an open question.

"It was held that such an act does not infringe in the slightest degree upon the right of local self-government; that essentially and inferentially the schools in which are educated and trained the children that are to become the rulers of the Commonwealth are matters of State, and not local, jurisdiction; that in such matters the State is a unit and the Legislature the source of power; that the establishment and control of public schools is a function of the General Assembly, both under the Constitution, and because it is a matter of State concern. Being a matter of legislative control, the Legislature may abandon one plan and try another, if it sees proper, and the courts cannot interfere.

"It is further pertinently said that it is impossible to conceive the existence of a uniform system of public schools without powers lodged somewhere to make them uniform, and in the absence of express constitutional provisions, the power must necessarily reside in the Legislature, and hence it has the power to prescribe a course of study as well as the books to be used and how they shall be obtained and distributed.

"And its discretion as to methods cannot be controlled by the courts. We find neither reason nor authority that suggests a doubt as to the power of the Legislature to require a designated series of books to be used in school.

"The rule prevailing in Tennessee by which the courts are governed in passing upon the constitutionality of statutes is this:

"'The rule of construction that every intendant and presumption is in favor of the constitutionality of the statute and that every doubt must be solved so as to sustain it; and where it is

subject to two constructions that which will sustain its constitutionality must be adopted.'

"Under the holding in the Oregon case and in the Nebraska case and in the Leper case, the Court is satisfied that the act involved in the case at bar does not violate the Fourteenth Amendment to the Constitution of the United States and is therefore pleased to overrule this ground.

"The Court, having passed on each ground chronologically and given the reasons therefor, is pleased to overrule the whole motion and require the defendant to plead further."

The defense then filed a demurrer to the decision, which was its original motion reworded.

VII

MR. MALONE ON EVOLUTION

THUS far in the case, the jury had been very inconspicuous —in fact, the members had been permitted to remain in the box only for a few minutes during the entire trial's proceedings.

When the Court reconvened on Wednesday afternoon, however, the jury was admitted. With the State ready to present its case, the Judge announced that both sides would sum up the issues in opening addresses.

Mr. Stewart's brief statement for the State consisted of a paraphrase of the indictment. Mr. Malone for the defense then said:

"In contradiction of the opinion of the legal leader of the prosecution, the Attorney General, the defense contends that before you, gentlemen of the jury, can convict the defendant Scopes of a violation of this act, the prosecution must prove two things:

"First—That Scopes taught a theory that denies the story of the divine creation of man, as taught in the Bible, and,

"Second—That instead and in place of this theory he taught that man is descended from the lower order of animals.

"The defense contends that to convict Scopes the prosecution must prove that Scopes not only taught the theory of evolution, but that he also, and at the same time, denied the theory of creation as set forth in the Bible.

"The defense contends the prosecution must prove that the defendant Scopes did these two things and that what he taught was a violation of the statute.

"We will prove that, whether this statute be constitutional or unconstitutional, the defendant Scopes did not and could not violate it.

"We maintain that, since the defendant Scopes has been in-

dicted under a statute which prohibits the teaching of the evolutionary theory, the prosecution must prove as part of its case what evolution is.

"So that there shall be no misunderstanding and that no one shall be able to misinterpret or misrepresent our position, we wish to state at the beginning of this case the defense believes there is a direct conflict between the theory of evolution and the theories of creation as set forth in the book of Genesis.

"Neither do we believe that the stories of creation as set forth in the Bible are reconcilable or scientifically correct. The defense will also prove by credible testimony that there is more than one theory of creation set forth in the Bible and that they are conflicting.

"But we shall make it perfectly clear that, while this is the view of the defense, we shall show by the testimony of men learned in science and theology that there are millions of people who believe in evolution and in the stories of creation as set forth in the Bible and who find no conflict between the two.

"The defense maintains that this is a matter of faith and interpretation which each individual must determine for himself, and if you, men of the jury, are able to reconcile the theory of evolution and the theories of creation as set forth in the Bible, you are not only entitled to your own view, but you will be supported in it by millions of your citizens who are of high culture, learning, and deep religious faith.

"The defense will prove the facts to you and you will determine the question for yourself.

"While the defense thinks there is a conflict between evolution and the Old Testament, we believe there is no conflict between evolution and Christianity. There may be a conflict between evolution and the particular ideas of Christianity which are held by Mr. Bryan as the evangelical leader of the prosecution, but we deny that the evangelical leader of the prosecution is an authorized spokesman for the Christians of the United States. The defense maintains that there is a clear distinction between God, the Church, the Bible, Christianity, and Mr. Bryan.

"We shall prove our philosophy and principles from the lips of witnesses who are a part of the prosecution.

"The theory and opposition to the Tennessee anti-evolution

law under which the defendant Scopes has been indicted cannot be more completely expressed than in the words of a great political leader who made the comment that I shall read, twenty years ago, on Thomas Jefferson's statute for establishing religious freedom; and we must remember that Thomas Jefferson's statute for the establishment of religious freedom was enacted by the State of Virginia in 1786, and in 1796, only ten years later, your ancestors wrote into the constitution of Tennessee the enduring principles which Jefferson had written into his statute.

"The great political leader, in commenting on Jefferson's principles, said:

" 'The conciseness of Jefferson's style is well illustrated in this statute. Read it over. There is not a superfluous word, and yet there is enough to guard religious liberty. It is not strange that this doctrine so well set forth by Jefferson more than a century ago is now a part of the Constitution and Bill of Rights of every State in this Union. Not only is that today the law of this land, but it is spreading throughout the world.

" 'It was only a short time ago that the Czar of Russia issued a decree in which he acknowledged the right of all the subjects of his empire to worship God according to the dictates of their own conscience, and I believe that when we come to measure the relative importance of things, the importance of an act like that, the very foundation upon which we build religious liberty —the importance of an act like that, which, gradually spreading, has become the creed of eighty millions of people, and is ultimately to become the creed of all the world—when we come to consider the vast importance of a thing like that, how can we compare lands or earthly possessions with it?

" 'In the preamble to this statute Jefferson set forth the main reasons urged by those who believed in religious freedom. Let me call attention to some of the more important ones.

" 'He said in the first place that to attempt to compel people to accept a religious doctrine by act of law was to make not Christians but hypocrites. That was one of the reasons, and it was a strong one. He said, too, that there was no earthly judge who was competent to sit in a case and try a man for his religious opinions, for the judgment of the court, he said, would not be a judgment of law but the personal opinion of the judge.

What could be more true? No man who has religious convictions himself bears them so lightly that he can lay them aside, and act as a judge when another man's religious convictions are involved.

"'Then he suggested—and I think that I am justified in elaborating upon this suggestion a moment—that religion does not need the support of the government to enable it to overcome error.

"'Let me give the exact words of his report, for I cannot change them without doing injury to them:

"'"And finally that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist of error and has nothing to fear from the conflict unless, by human interposition, disarmed of her natural weapons—free argument and debate; error ceasing to be dangerous when it is permitted freely to contradict them."

"'Tell me that Jefferson lacked reverence for religion! He rather lacks reverence who believes that religion is unable to defend herself in a contest with error. He places a low estimate upon the strength of religion who thinks that the wisdom of God must be supplanted by the force of man's puny arm.

"'Jefferson paid a tribute to the power of truth when he said that truth was able to overcome error in the open field and it was his sublime confidence in the triumph of truth that distinguished him from many of the other great men of his time. In fact, of all the men who have lived upon this earth, I know of no man who surpassed Jefferson in his confidence in the ultimate triumph of truth. And upon what can people build them if not upon faith in truth? Take from man his belief in the triumph of that which is right and he builds upon the sand. Give to man an abiding faith in the triumph of that which is true and you give him the foundation of a moral character that can withstand all reverses.

"'In the preamble to the statute for religious freedom, Jefferson put first that which I want to speak of last. It was the regulation of the opinion of men on religious questions by law contrary to the laws of God and to the plans of God. He pointed out that God had it in His power to control man's mind and body, but that He did not see fit to coerce the mind or the body into obedience to even the divine will; and that if God himself

was not willing to use coercion to force man to accept certain religious views man, uninspired and liable to error, ought not to use the means that Jehovah would not employ. Jefferson realized that our religion was a religion of love and not a religion of force.'

"Those words were written by the gentleman referred to as the evangelical leader of the prosecution, and the defense appeals from the Fundamentalist Bryan of today to the Modernist Bryan of yesterday.

"We maintain and we shall prove that Christianity is bound up with no scientific theory, that it has survived two thousand years in the face of all the discoveries of science and that Christianity will continue to grow in respect and influence if the people recognize that there is no conflict between science and Christianity.

"We will show that science occupies a field of learning separate and apart from the learning and theology which the clergy expound.

"We will show that throughout the ages every scientific discovery or new invention has been met by the opposition of people like those behind this prosecution who have pretended that man's inventive genius was contrary to Christianity.

"We shall prove by experts and scientists in every field of scientific knowledge that there is no branch of science which can be taught today without teaching the theory of evolution, and that applies to geology, biology, botany, astrology, medicine, chemistry, bacteriology, embryology, zoology, sanitation, forestry, and agriculture.

"We will show that it will have been impossible for men like Luther Burbank and others without knowledge and faith in the theory of evolution to produce their invaluable experiments and results.

"The prosecution has twice since the beginning of the trial referred to man as descended from monkeys. This may be the understanding of the theory of evolution of the prosecution. It is not the view, opinion, or knowledge of the evolution held by the defense. No scientist of any preëminent standing today holds such a view. The most that science says today is that there is an order of men-like mammals which are more capable of walking erect than other animals and more capable than other animals in the use of the fore feet as hands.

"There are indications that, not 6,000 years ago but through the long course of the ages, from this order came man in one direction and monkeys in the other."

Mr. Malone said the defense would try to show from embryology the process of human development from a single cell to its birth.

"In the course of this development," he continued, "the cell divides repeatedly as growth proceeds and the mass grows. The parts begin to appear at first without resemblance to those of a human being.

"The arms and legs, for example, first appear as little rounded knobs without fingers or toes. Gradually they elongate, and toes and fingers appear. At the end of four months, the work of development is practically completed, except for proportion. At an early stage, perhaps at the end of one month, the embryo has a tail about one-fourth as long as the rest of the body. This of course is not the tail of a monkey, but a tail in formation which is part of the embryo. It also has gill slits, not the gill slits of a fish, but the gill slits of an embryo. One of these latter plays an important part in connection with hearing. At six months there is a complete coating of hair which is lost before birth.

"All these stages of development can be seen, preserved and are used in the course of instruction in any of the great medical schools in the country.

"Evolution never stops from the beginning of the one cell until the human being returns in death to a lifeless dust.

"We wish to set before you evidence of this character in order to stress the importance of the theory of evolution. If the teaching of the theory of evolution in this field is to be excluded by law, you will have to find adequate training for your doctors in medical schools outside of your state or you will have to import physicians from Chicago and New York, as the defendant Scopes had to import Mr. Darrow and myself.

"We expect to show you how vital to agriculture is the theory of evolution in connection with the development of important varieties of crops, plants, strawberries, peaches, and other products essential to the life and prosperity of the people.

"We expect to show you how vital is the theory of evolution to geology. We expect to offer you testimony as to the gradual building of the earth, its age, and how its age is determined.

"We expect to show you how, by the evolution of the earth's crust, it is possible to tell where earthquakes are most likely to occur, so that mankind, for its safety, may have warning.

"Much of this learning we hope to set before you will not be found in the Bible, but we maintain that all scientific truth cannot be contained in the Bible, since so many truths that we all know about have been discovered since the Bible was written.

"Moses never heard about steam, electricity, the telegraph, the telephone, the radio, the airplane, farming machinery, and Moses knew nothing about scientific thought and principles from which these vast accomplishments of the inventive genius of mankind have been produced.

"The purpose of the defense will be to set before you all of the available facts and information from every branch of science to aid you in forming an opinion of what evolution is, and of the value to progress, for you are the judges of the law and the facts, and the defense wishes to aid you in every way to intelligent opinion.

"The defense denies that it is part of any movement or conspiracy on the part of scientists to destroy the authority of Christianity or the Bible. The defense denies that any such conspiracy exists except in the mind and purposes of the evangelical leader of the prosecution.

"The defense maintains that the Book of Genesis is in part a hymn, in part an allegory and a work of religious interpretation written by men who believed that the earth was flat and whose authority cannot be accepted to control the teachings of science in our schools.

"The narrow purpose of the defense is to establish the innocence of the defendant Scopes. The broad purpose of the defense will be to prove that the Bible is a work of religious aspirations and rules of conduct which must be kept in the field of theology.

"The defense maintains that there is no more justification for imposing the conflicting views of the Bible on the courses of biology than there would be for imposing the views of biologists on courses of comparative religions. We maintain that science and religion embrace two separate and distinct fields of thought and learning.

"We remember that Jesus said: 'Render unto Cæsar the things

that are Cæsar's and unto God the things that are God's.'"

When Mr. Malone, after reading Mr. Bryan's foreword, written a score of years previously, to a book on Thomas Jefferson, referred to Mr. Bryan as "the evangelical leader of the prosecution," Mr. Stewart objected. The Court sustained him, asking Mr. Malone to refrain from mentioning Mr. Bryan's name. Mr. Malone remarked that he was sure Mr. Bryan was not sensitive, and the latter spoke for the first time in this trial:

"I require no protection from the Court," he said. "At the proper time I shall be able to show that my position now differs not at all from my position in those days."

For the State, Mr. McKenzie then replied to Mr. Malone, declaring the latter's statement to be wholly argumentative and improper, reminding Mr. McKenzie of a story:

"We had a case over here in another county a few years ago. The lawyers met their witnesses. Then one fellow said: 'Let's have a conference.' They conferred and came back in, and one of them said: 'Jedge, some of our witnesses is poorly and some is dumb, so we've agreed to dispense with testimony and just argue out the case ourselves.'"

VIII

THE WITNESSES

HAVING presented the opening statement of the prosecution, the State called upon its first witness, Superintendent White of the Dayton public schools. He testified that he had talked with Mr. Scopes the day before the latter's arrest:

"I told him that he had violated the law, but he said he had to teach science, and the law was unconstitutional anyway."

On cross-examination, the witness admitted that the textbook, Hunter's "Civic Biology," from which the defendant taught, had been specified for school use by the State School Book Commission.

When Mr. Darrow read sections from this book concerning evolution, Mr. Stewart offered a King James version of the Bible in evidence. Mr. Hays objected, asking: "What is the Bible? Who is to say this King James version is the Bible? The prosecution must tell us." When the Court overruled the objection, the Bible was admitted as an exhibit.

Howard Morgan, 14 years of age, a pupil of Mr. Scopes, testified that the defendant had told his class that "in the beginning the earth was too hot for any life, it had cooled off, then the sea and land were formed, plant life in the sea began with a one-celled animal, which finally evoluted until it got bigger and a land animal and then got to be man"; and that the teacher had classified man as a mammal, along with horses, cats, dogs, and other animals.

Cross-examined by Mr. Darrow, the boy could not tell what his teacher had meant by "classified."

MR. DARROW—He didn't say a cat became a man, did he?

HOWARD—He said that man had reasoning powers and the other animals didn't.

MR. DARROW—There's doubt about that [Laughter], but we'll let it pass if he said it. Did he tell you mammals were cats, dogs, elephants, horses, and whales?

HOWARD—I don't know about whales.

MR. DARROW—Never saw a whale suckle its young?

HOWARD—No, sir.

MR. DARROW—Did he ever tell you anything else wicked?

HOWARD—Mr. Scopes said the earth was once a molten mass of liquid.

MR. DARROW—That it melted?

HOWARD—Yes, sir.

MR. DARROW—That it slowly cooled, a crust formed, soil came, grass grew, the first life in the sea developed into the highest form, man? That's about what he taught?

HOWARD—Yes, sir.

MR. DARROW—Did it hurt you any?

HOWARD—No, sir.

Harry Shelton, 17, on direct examination testified about as Howard did as to the Scopes teaching, and on cross-examination said his teacher had told him all life came from a single cell.

MR. DARROW—Any one ever tell you different?

HARRY—No, sir.

MR. DARROW—You, a church member, still belong, still believe in church although you were told all life comes from a single cell?

HARRY—Yes, sir.

F. E. Robinson, owner of the Dayton drug store, testified that he had sold the biological textbook in question for several years.

MR. DARROW—Notice any signs of moral deterioration in the community since you've been selling them?

MR. ROBINSON—No. [Laughter]

Here the State, although it had five other witnesses ready, rested its case.

The defense then ranged fifteen scientists before the Judge to be sworn in a group, and Dr. Maynard M. Metcalf, research professor in zoology at Johns Hopkins University, took the stand. He said he was a Congregational deacon, an evolutionist, a doctor of science, and formerly professor of zoology in Goucher and Oberlin colleges.

MR. DARROW—Are you an evolutionist?

DR. METCALF—Certainly. Under other circumstances I should consider that an insult.

MR. DARROW—Do you know any scientific man in the world who doesn't believe in evolution?

Mr. Stewart objected. Mr. Hays excepted, insisting the whole defense hinged on that point. A compromise was effected, Mr. Darrow questioning Metcalf in undertones for the benefit only of the Court and stenographers, and the witness admitting that he knew no scientific skeptics of evolution.

MR. DARROW—Please state what evolution is.

Mr. Stewart objected and the Judge asked Mr. Darrow to rephrase the question.

MR. DARROW—Will you state what evolution is as regards to man?

MR. STEWART—We shall except to all testimony bearing on the descent of man from the evolutionary viewpoint, and to all testimony that bears on the conflict between the Bible and evolution.

MR. DARROW—What! Is this jury, only one of whom may be presumed ever to have read about evolution, expected to pass on this question without being told what it is?

Here the Court excused the jury, suggesting that the State's objections, as just declared by Mr. Stewart, be argued next day. The Court admonished the jury not to linger on the lawn within hearing distance of the radio loud speaker. It had been reported that previously the jury had listened outside to proceedings they were not supposed to hear.

CAPTAIN THOMPSON (juror)—Not a single juror ever heard a single word outside this courtroom.

When the jury had retired the examination continued, under an agreement that the witness could testify as to evolution to an extent that would enable the Court to feel qualified to rule on the admissibility of such testimony.

MR. DARROW—What is evolution?

DR. METCALF—Evolution and the theories of evolution are fundamentally different. The facts are inescapably clear, but there are dozens of theories. Some are fully absurd, some are almost fully proved and the rest range between. We are in possession of scientific facts that say flatly that evolution has occurred.

MR. DARROW—What do you mean by evolution?

DR. METCALF—Evolution means a change of organisms into

different characters; that is, structure, behavior, function or method of development change organisms into another kind. The term generally means a whole series of such changes over millions of years, starting from simple organisms.

MR. DARROW—That is organic evolution. How about inorganic?

DR. METCALF—It has its start in the inorganic world. Tremendous changes have taken place in the inorganic world. The sun is comparatively young. The earth has gone through tremendous changes.

MR. DARROW—How far back were the oldest living things?

DR. METCALF—It takes a chemist to tell the age of fossils.

MR. DARROW—Can you make any estimate of the age of organic matter?

DR. METCALF—No. I believe there have been whole series of animals and plants that have been almost entirely wiped out by changes in the earth without leaving any trace. I don't know how many times certain processes on the earth have wiped out faunas and floras.

MR. DARROW—How many years ago would you say life began?

DR. METCALF—I am not a geologist and I don't like to talk about things that I don't know about. Geologists don't talk in years; they talk in ages.

MR. DARROW—Did creation begin more than 6,000 years ago?

DR. METCALF—Well, 600,000,000 is a very moderate guess. (Laughter.)

MR. DARROW—Did plants or animals come first?

DR. METCALFE—Along with the plants, the animal forms grew up. The difference between plants and animals is largely due to difference in habits of getting food. Plants sit still and wait for their food, animals range and develop motor organisms. It is not quite so easy to tell the order in plants as in the higher forms.

MR. DARROW—Where do you think life began?

DR. METCALF—I think probably that animal and plant life began at the border line between sea and land. For very long periods, however, there was no such thing as land life, plants, or animals; it was all marine. Conditions of life in the ocean are very easy for organisms containing green coloring. That enables

them to absorb energy from the sun and they are bathed in a solution of all useful minerals. When terrestial life began new conditions and necessities arose and developed means adequate to them. Needs are the agents to develop structure.

MR. DARROW—Have any animals returned to the sea?

DR. METCALF—I am confident that the whale has gone back.

MR. DARROW—Will you define a mammal?

DR. METCALF—No, but I will give some of its characteristics. Mammals have hair, they suckle their young, have vertebral columns, two pairs of limbs, front and hind. They always have shoulders and hip girdles, bones attached to linear series of bones with transverse bones at the ankles and wrists. Various glands also characterize mammals. There are fifty or sixty other characteristics of mammals.

MR. DARROW—What is man's classification?

DR. METCALF—They are primates. Other primates are lemurs, apes, monkeys, etc.

MR. DARROW—Has man reached the end of evolution?

DR. METCALF—I don't know. He is not as highly evolved in body as some other species, not as highly specialized. He is, however, a well elaborated specimen. His hand is not so well adapted to its purposes as the hand of a bird, for instance.

MR. DARROW—How about a missing link?

DR. METCALF—There are many fossil remains, but it is sometimes difficult to tell whether they are of man or ape.

MR. DARROW—Why are you so sure of evolution?

DR. METCALF—There are a fundamental series of evidence found in the whole organic world, not in man alone. These indicate the whole plan of evolution in the universe, which makes one believe in the tremendous probability in the evolution of man. An inherent compulsion toward belief in evolution is found in all the universe. It is impossible for a normal human being, cognizant of the facts, to have the slightest doubt about the fact of evolution, but he might have doubts about the theories and the methods by which it came about.

MR. DARROW—Does evolution apply to man?

DR. METCALF—Certainly.

Instructing counsel to be prepared to argue on the admissibility of such evidence as Dr. Metcalf had given, Judge Raulston then adjourned Court until next day.

IX

THE QUESTION OF SCIENTIFIC TESTIMONY

N the morning of the fifth day began the long-drawn battle as to whether scientific testimony on evolution should be admitted. After a whole day of stirring oratory and debate, not infrequently interspersed with applause, Judge Raulston announced that he would probably rule on the defense motion to introduce such testimony the next morning.

William Jennings Bryan, Jr., for the State, and Mr. Hays, for the defense, opened the argument with legal statements citing precedents and decisions. Mr. McKenzie then continued for the State:

"May it please your Honor, I do not want to be heard but a few moments. I want to say this: Since the beginning of this lawsuit, and since I began to meet these distinguished gentlemen, I have begun to love them—every one—and it is a very easy task. In fact, it was a case, when I met Colonel Darrow [1]—a case of love at first sight. These other gentlemen come right on, but you know they wiggled around so rapidly that I could not get my love turned loose on them until I got a chance. But I love the great men.

"The newspapers have some of them said that McKenzie is waving the bloody shirt. I just want to make this explanation. I have referred to the great metropolitan city, and of those distinguished gentlemen being from New York, for this reason: we have some of our own boys up there.

MR. MALONE—You bet you have.

MR. MCKENZIE—But to the question in controversy in this case, as earnestly as I have believed any proposition of law to be established in this State, I believe that this act construes it-

[1] Judge Raulston had given Mr. Darrow this friendly title in the course of the trial.—ED.

self; that there is not a thing on the face of the earth that is ambiguous about it.

"We have crossed the Rubicon. Your Honor has held that the act was reasonable, within the powers of the Legislature; that it was not vague, indefinite, and void, as it was insisted as one of their grounds for motion in this case—that has been passed over—that it was a valid exercise of the police power of the State of Tennessee, and that Tennessee had the right to regulate its common schools and prescribe any common school curriculum it desired. There has never been left anything on the face of the earth to determine, except as to the guilt or the innocence of the defendant at bar in violating that act."

JUDGE RAULSTON—General, let me ask you a question. Is this your position, that the story of the divine creation is so clearly set forth in the Bible, in Genesis, that no reasonable minds could differ as to the method of creation—that is, that man was created, complete by God?

MR. MCKENZIE—Yes.

JUDGE RAULSTON—And in one act, and not by a method of growth or development; is that your position?

MR. MCKENZIE—From lower animals—yes. That is exactly right.

JUDGE RAULSTON—That God created Adam first as a complete man—did not create a single cell of life?

MR. MCKENZIE—That is right.

JUDGE RAULSTON—The cell of life did not develop in time?

MR. MCKENZIE—That is right, and man did not descend from a lower order of animals that originated in the sea, and then turned from one animal to another, and finally man's head shot up.

JUDGE RAULSTON—Here is what I want to get. The act says it shall be unlawful to teach any theory that denies the divine story of the creation of man—that is one clause; or teach instead thereof——

MR. MALONE—"And" is the word.

JUDGE RAULSTON—And teach instead thereof that man descended from a lower order of animals. Now, in order to make a case, does the State have to prove that the defendant Scopes taught a theory denying the divine creation, and then go further and prove that he taught that man descended from a lower order of animals; or do you know that to meet the second clause

by implication of law, you have to meet the requirement of the first?

MR. MCKENZIE—Yes, that is exactly it. I want to read this; you may look to the caption as well as the body of the act, to remove any ambiguity. Let us read the act:

"It being an act of the State of Tennessee, that it shall be unlawful for any teacher in the universities, normals, or other public schools of the State, which are supported in whole or in part by the public funds, to teach a theory that denies the story of the divine creation of man as told in the Bible——"

JUDGE RAULSTON—Now, General, just suppose he stopped there, and the other clause were stricken out, would this proof be competent for the purpose offered, or not?

MR. MCKENZIE—I think not; no, sir, I do not.

JUDGE RAULSTON—You think the divine story is so clearly told it is not ambiguous and should be accepted by any one of reasonable fairness.

MR. MCKENZIE—I do, but it goes further and leaves it out of the proposition, and says, "And teach instead thereof that man descended from a lower order of animals," and, therefore, defines the other proposition. It tells exactly what it means, in both the caption and the body of the act. And our Supreme Court, in Tennessee, has sustained our contention as to the interpretation of statutes. Now, if your Honor please, as said a minute ago, they don't want to destroy that account.

JUDGE RAULSTON—They want to reconcile——

MR. MCKENZIE—They are seeking to reconcile it, if your Honor please, and come right along, by the mouth of their scientists, that when he said God created man in His own image, in His own image created him out of the dust of the ground and blew into him the breath of life, and he became a living creature, they want to put words into God's mouth and have Him say that He issued some sort of protoplasm, or soft dish-rag, and put it in the ocean and said, "Old boy, if you wait about 6,000 years I will make something out of you." [Laughter.] And they tell us there is no ambiguity about that.

MR. DARROW—Let me ask you a question. When it is said "in His own image," do you think that meant the physical man?

MR. MCKENZIE—I am taking the divine account—He is like unto me.

MR. DARROW—Do you think that is so?

MR. MCKENZIE—I say that, although I know it is awfully hard on our Maker to look like a lot of fellows who are profusely ugly, to say he favored the Master.

MR. DARROW—You think, then, that you do?

MR. MCKENZIE—You are all right. I do not mind your favoring Him. But when one commits acts against the law, there ought to be some remedy for it.

MR. DARROW—Wait a minute, Colonel. You do think the physical man is like God?

MR. MCKENZIE—Why, yes, sir, I do; and I will give you my reason.

MR. DARROW—I think God knows better. You think man must believe that to believe the Bible, the physical man, as we see him, looks like God?

MR. MCKENZIE—Yes, sir, and I will give you my reasons as soon as you want them.

MR. DARROW—And when you see a man, you see a picture of God?

MR. MCKENZIE—Like unto Him and made in His own image, and the reason why I believe that firmly is because the Bible teaches it. When Christ came to earth—and I believe in the virgin birth of Christ——

DR. NEAL—Do you think if a teacher in the Tennessee schools failed to teach that man is physically like God, he would be violating the statute?

MR. MCKENZIE—Well, we will try that lawsuit when we get to it. Let me talk about the matters involved in this case.

MR. DARROW—Let me ask you another question.

MR. MCKENZIE—All right, Colonel.

MR. DARROW—I don't think we will have any trouble as long as he gives me the title of Colonel. He is calling everybody else Colonel.

"You spoke about it taking a good many thousand years to get man under our theory. You said there was the first day, the second day, the third day, the fourth day, the fifth day, the sixth day, and so on. Do you think they were literal days?"

MR. MCKENZIE—Colonel, we didn't have any sun until the fourth day. I believe the Biblical account. Now, in regard to Christ being just a man, walking around looking like us, I believe He was the same—a man of sorrow and grief, crucified for us, and I believe that still. And when He was here, He was

like other men, but He was in the image of God. And that is why I believe He was in the image of man.

MR. MALONE—Your Honor, I am objecting on this ground: I do not know whether the General is arguing now or testifying as an expert witness on the other side.

MR. MCKENZIE—He is objecting to me. Yet Mr. Malone made a speech of an hour yesterday, presenting their theories of the case. It was a speech on evolution, and it was not competent.

MR. MALONE—The Court admitted it.

MR. MCKENZIE—Yes, and he is the best Judge in the world. Now, if the Court please, I say they are trying to put words into the mouth of God and substitute another story, entirely different from God's Word. They bring in a distinguished gentleman, and I believe he is absolutely a disciple of Colonel Darrow. He says evolution is an established fact and that there are a lot of them in this country. But I tell you one thing: No great number of them grow on the mountainsides and in the valleys of Rhea.

"Then, after they got all their testimony in, and the issues were drawn, they didn't throw light on the proposition. They introduced sixty witnesses, and have a lot of hypotheses, but they don't know anything about the things that are to be testified about. They can't read scientific works for us and put them in evidence."

MR. DARROW—I think you misunderstand our position. What we claim is that there is no question among intelligent men about the fact of evolution. As to how it came about, there is a great deal of difference.

MR. MCKENZIE—That is it. Yes, you are now coming back to the point in the defense in which you say you want us to recognize your theory, and yet you just absolutely jangle along, going in one door and out the same door. I wonder if that man has ever read the Bible.

MR. DARROW—He had one with him

MR. MCKENZIE—That may be, but it is not competent for anything, after they get all the witnesses in the Court, and then want to charge the jury after you submit it to him.

"It reminds me of the shape that the old Dutch Judge was in, when there were a lot of witnesses swearing different tales.

"That Judge, when he went to charge the jury, he said, 'Now,

gentlemen of the jury'—he was a new Judge—'if the plaintiff and his witnesses have sworn the truth about this matter, you will find, of course, for the plaintiff; but if, on the other hand, the defendant and his witnesses have sworn the truth, you will of course find for the defendant. But if you are like me and believe that they are all swearing lies, I don't know what the devil you will do.'

"I don't know where they got their evidence, but they are putting it up against the word of God. I reckon the next thing will be to——

MR. HAYS—May I interrupt you for a moment?

MR. MCKENZIE—Yes, sir.

MR. HAYS—You seem so sure as to what our witnesses are going to testify. We have not brought out our witnesses. How is it that you are in a position to know what they are going to say?

MR. MCKENZIE—You know no expert testimony is competent in this case, but I think this is competent.

JUDGE RAULSTON—He asked you how you knew what they were going to testify.

MR. MCKENZIE—I think his witness swore the truth when he said none of them know. He said they didn't know, and I think they will tell the truth. Do you believe the story of divine creation?

MR. HAYS—That is none of your business.

MR. MCKENZIE—Then don't ask me any more impertinent questions.

MR. MALONE—General, will you give me the law?

JUDGE RAULSTON—I do not think that Colonel Hays' answer to General McKenzie was as courteous an answer as he should give in this court.

MR. HAYS—That is so. Instead of those words I will say I think it does not concern General McKenzie.

MR. MCKENZIE—I will say to you, that I have as little concern as to where you emanated from, or as to where you are going, as any man I ever met.

MR. HAYS—Now, may I ask for an apology, Your Honor?

JUDGE RAULSTON—Yes, sir.

MR. MCKENZIE—I didn't mean to give offense. I beg your pardon, Mr. Hays. It is like old sweethearts making up.

X

MR. BRYAN ON THE ISSUES

WILLIAM JENNINGS BRYAN delivered his one speech of the trial on the fifth day, adding his protest to that of his son and Mr. McKenzie, against admitting scientific testimony.

"If the Court holds, as we believe the Court should hold," stated Mr. Bryan, "that the testimony the defense is now offering is not competent and not proper testimony, then I assume we are near the end of this trial, and because the question involved is not confined to local questions, but is the broadest that will possibly arise, I have felt justified in submitting my views on the case for the consideration of the Court.

"I have been tempted to speak at former times, but I have been able to withstand the temptation. I have been drawn into the case by, I think, nearly all the lawyers on the other side.

"The principal attorney has often suggested that I am the arch-conspirator and that I am responsible for the presence of this case, and I have almost been credited with leadership of the ignorance and bigotry which he thinks could alone inspire a law like this.

"Then Mr. Malone has seen fit to honor me by quoting my opinion on religious liberty. I assume he means that that is the most important opinion on religious liberty that he has been able to find in this country, and I feel complimented that I should be picked out from all the men living and dead as the one whose expressions are most vital to the welfare of our country. And this morning I was credited with being the cause of the presence of these so-called experts.

"Mr. Hays says that before he got here he had read that I said this was to be a duel to the death between science—was it? —and revealed religion. I don't know who the other duelist was, but I was representing one of them, and because of that

they went to the trouble and the expense of several thousand dollars to bring down their witnesses.

"Well, my friend, if you said that this was important enough to be regarded as a duel between two great ideas or groups I certainly will be given credit for foreseeing what I could not then know, and that is, this question is so important between religion and irreligion that even the invoking of the Divine blessing upon it might seem partisan and partial.

"Our position is that the statute is sufficient. The statute defines exactly what the people of Tennessee decided and intended and did declare unlawful, and it needs no interpretation.

"The caption speaks of the evolutionary theory, and the statute specifically states that teachers are forbidden to teach in the schools supported by taxation in this State any theory of creation of man that denies the Divine record of man's creation as found in the Bible, and that there might be no difference of opinion—there might be no ambiguity—that there might be no such confusion of thought as our learned friends attempt to inject into it. The Legislature was careful to define what is meant by the first of the statute.

"It says 'to teach that man is a descendant of any lower form of life.' If that had not been there, if the first sentence had been the only sentence in the statute, then these gentlemen might come and ask to define what that meant or to explain whether the thing that was taught was contrary to the language of the statute in the first sentence. But the second sentence removes all doubt, as has been stated by my colleague.

"The second sentence points out specifically what is meant, and that is the teaching that man is the descendant of any lower form of life; and if the defendant taught that, as we have proved by the textbook that he used and as we have proved by the students that went to hear him, if he taught that man is a descendant of any lower form of life, he violated the statute, and more than that, we have his own confession that he knew he was violating the statute."

After summarizing the evidence, Mr. Bryan continued:

"We do not need any expert to tell us what the law means. An expert cannot be permitted to come in here and try to defeat the enforcement of a law by testifying that it isn't a bad law,

and it isn't—I mean a bad doctrine—no matter how these people phrase that doctrine, no matter how they eulogize it. This is not the place to try to prove that the law ought never to have been passed. The place to prove that was at the Legislature.

"If these people were so anxious to keep the State of Tennessee from disgracing itself, if they were so afraid that by this action taken by the Legislature, the State would put itself before the people of the nation as ignorant people and bigoted people—if they had half the affection for Tennessee that you would think they had as they come here to testify—they would have come at a time when their testimony would have been valuable, and not at this time to ask you to refuse to enforce a law because they did not think the law ought to have been passed.

"And if the people of Tennessee were to go into a state, into New York, the one from which this impulse comes to resist this law, or go into any state . . . and try to convince the people that a law they had passed ought not to be enforced (just because the people who went there didn't think it ought to have been passed), don't you think it would be resented as an impertinence? . . .

"The people of this State passed this law. The people of this State knew what they were doing when they passed the law, and they knew the dangers of the doctrine that they did not want it taught to their children. And, my friends, it isn't proper to bring experts in here to try to defeat the purpose of the people of this State by trying to show that this thing that they denounce and outlaw is a beautiful thing that everybody ought to believe in. . . .

"These people want to come here with experts to make your Honor believe that the law should never have been passed, and because in their opinion it ought not to have been passed, it ought not to be enforced. It isn't a place for expert testimony. We have sufficient proof in the book. Doesn't the book state the very thing that is objected to and outlawed in this State? Who has a copy of that book?"

JUDGE RAULSTON—Do you mean the Bible?

MR. BRYAN—No, sir, the biology. [Laughter]

A VOICE—Here it is, Hunter's Biology.

MR. BRYAN—No, not the Bible. You see, in this State they

cannot teach the Bible. They can only teach things that declare it to be a lie, according to the learned counsel. These people in the State, Christian people, have tied their hands by their Constitution. They say we all believe in the Bible, for it is the overwhelming belief in the State, but we will not teach that Bible, which we believe—even to our children, through teachers that we pay with our money.

"No, no, it isn't the teaching of the Bible, and we are not asking it.

"The question is, Can a minority in this State come in and compel a teacher to teach that the Bible is not true and make the parents of these children pay the expenses of the teacher to tell their children what these people believe is false and dangerous?

"Has it come to a time when the minority can take charge of a state like Tennessee and compel the majority to pay their teachers while they take religion out of the heart of the children of the parents who pay the teachers?

"This is the book that is outlawed, if we can judge from the questions asked by the counsel for the defense. They think, because the Board of Education selected this book four or five years ago, that therefore he had to teach it, that he would be guilty if he didn't teach it, and punished if he does.

"Certainly not one of these gentlemen are unlearned in the law, and if I, who have not practiced law for twenty-eight years, know enough to know it I think those who have been as conspicuous in the practice as these gentlemen have been certainly ought to know it—and that is no matter when that law was passed, no matter what the Board of Education had done, no matter whether they put their stamp of approval on this book or not, the moment that law became a law, anything in these books contrary to that law was prohibited, and nobody knew it better than Mr. Scopes himself.

"It doesn't matter anything about who ordered these books—the law supersedes all boards of education, for the Legislature is the supreme court on this subject from which there is no appeal.

"What does this law teach, my friends? We have little—what is the Morgan boy's first name?"

A Voice—Howard.

MR. BRYAN—Little Howard Morgan—and, your Honor, that boy is going to make a great lawyer some day. I didn't realize it until I saw how a 14-year-old boy understood the subject so much better than the distinguished lawyer who attempted to quiz him. The little boy understood what he was talking about and, to my surprise, the attorneys didn't seem to catch the significance of the theory of evolution, and the thought—and I am sure he wouldn't have said it if he hadn't thought it—of individuals coming up from one cell.

"That wouldn't be evolution—that is growth; and one trouble about evolution is that it has been used in so many different ways that people are confused about it. But I am not surprised that the gentleman from New York—Mr. Hays—was confused. The National Educational Association even is confused; for if yo' noticed the other day they had a meeting in Indianapolis and it was said they were going to tell Tennessee where to head in.

"We had several flaming advance notices of how the ignorance and bigotry of Tennessee was to be scored by the educational association—the teachers of the United States. Well, during the early days we had important announcements of what was going to be done and then we had a very mild report. The Chairman of the Committee on Resolutions reported that there would be no resolutions passed—no, they were not going to say a word. Why?

"Well, there were so many different kinds of evolution, so many definitions of evolution, that they made a general statement. It would be useless and if they went into detail, it would excite controversy. [Laughter]

"No wonder the gentleman from New York was not able to distinguish by just hearing it once. Between the evolution of life that began in the ocean away down in the bottom and evolved up through animals bigger and bigger, until they finally got a land animal some way, and then when it got on the land where it had a firmer footing, it kept on evolving more and more, and then finally man was the climax. That little boy could understand that, and I wonder if the lawyers cannot understand it by this time. [Laughter]

"That is evolution, and that is what he taught. Not the growth of an individual from one cell, but the growth of all life

from one cell; and while I am on this point I might call attention to another thing that the distinguished lawyer who spoke this morning—Mr. Hays—said. He quotes, I think, from Linnaeus, if I am not mistaken. . . . and Linnaeus, I think, was the one he referred to, who gave us the classification and put man among the primates. And the monkeys were also among the primates, and he says if he taught that man came from a monkey, he didn't violate the law in this State, because the monkey is in the same class of primates with man."

MR. HAYS—No, I didn't say that, I beg your pardon.

MR. BRYAN—What did you say?

MR. HAYS—I said the term "order of animals" was a scientific term and that they were in the same order and that the words should have been the words you used. They are of a different class, but they are of the same order.

MR. BRYAN—Then are there ranks in an order or all one rank?

MR. HAYS—No, there are various ranks in the order. They should have used your words, should have used the words "class" or "families"—that is what I said.

MR. BRYAN—No matter what you said it wouldn't make much difference, because the answer would be just the same. [Laughter]

"I want to remind your Honor that if men and monkeys are in the same class, called primates, that doesn't settle the question, for it is possible that some of those primates are the descendants of other primates; but if it were true that every primate was in a class by itself, and was not descended from any other primate, therefore, according to evolution, all the primates in that class descended from other animals, evolved from that class, and you go back to the primates, to the one evolved, until you get to the one-celled animal in the bottom of the sea.

"No, my friends, if that were true, if man and monkey were in the same class, called primates, it would mean they did not come up from the same order. It might mean that instead of one being the ancestor of the other, they were all cousins. But it does not mean they did not come up from the lower animals, if this is the only place they could come from. The Christian believes man came from above, but the evolutionist believes he must have come from below. [Laughter] And that is from a lower order of animals.

"Your Honor, I want to show you that we have evidence enough here. We do not need any experts to come in here and tell us about this thing. Here we have Mr. Hunter. Mr. Hunter is the author of this biology, and this is the man who wrote the book Mr. Scopes was teaching. And here we have the diagram. Has the Court seen this diagram?"

JUDGE RAULSTON—No, sir. I have not.

MR. BRYAN—Well, you must see it. [Handing the book to the Court. Laughter]

MR. BRYAN—On page 194 we have a diagram, and this diagram purports to give some one's family tree. Not only his ancestors, but also his collateral relations. We are told just how many animal species there are—518,900—and in this diagram, beginning with protozoa, we have the animals classified. We have circles differing in size, according to the number of species in them, and we have the guess that they give.

"Of course, it is only a guess, and I don't suppose it is carried to a one or even to ten. I see they are round numbers, and I don't think all of these animals breed in round numbers, and so I think it must be a generalization of them. [Laughter]

"Eight thousand protozoa, 3,500 sponges. I am satisfied from some I have seen there must be more than 35,000 sponges. [Laughter]

"And then we can run down to insects—360,000 insects. Two-thirds of all the species of all the animal world are insects. And sometimes in the Summer time, we feel that we become intimately acquainted with them.

"A large percentage of the species are mollusks and fishes. Now we are getting up near our kin folks—13,000 fishes.

"Then there are the amphibia. I don't know whether they have not yet decided to come out, or have almost decided to go back. [Laughter] But they seem to be somewhat at home in both elements.

"And then we have the reptiles, 3,500, and then we have 13,000 birds. Strange that this should be exactly the same as the number of fishes, round numbers. And then we have mammals, 3,500, and there is a little circle, and a man is in the circle. Find him; find Man.

"There is the book. There is the book they were teaching your children, teaching that man was a mammal and so indistinguishable among the mammals that they leave him there with

other mammals. [Laughter and applause] Including elephants. [Laughter]

"Talk about putting Daniel in the lion's den! How dared those scientists put man in a little ring like that with lions and tigers and everything that is bad?

"Tell me that the parents of this day have not any right to declare that children are not to be taught this doctrine—shall not be taken down from the high plane upon which God put man? Shall we be detached from the throne of God and be compelled to link their ancestors with the jungle,—tell that to these children?

"Why, my friend, if they believe it, they go back to scoff at the religion of their parents. And the parents have a right to say that no teacher paid by their money shall rob their children of faith in God and send them back to their homes, skeptical, infidels, or agnostics, or atheists.

"This is the doctrine that they want taught, this doctrine that they would force upon the schools, that they will not let the Bible be read!

"Why, up in the State of New York they are now trying to keep the schools from adjourning for one hour in the afternoon, not that any teacher shall teach them the Bible, but that the children may go to the churches to which they belong and there have instruction in the work.

"As we had one family tree this morning given to us, I think you are entitled to have a more authentic one. My esteemed friend from New York gave you the family tree according to Linnaeus—"

MR. MALONE—Beg pardon, Mr. Bryan, I will give you the family tree according to Darwin. If we are going to have family trees here, let us have something that is reliable. I will give you the only family tree that any believer in evolution has ever dared to outline—no other family tree that any evolutionist has ever proposed has as many believers as Darwin has in his family tree. Some of them have discarded his explanations. Natural selection? People confuse evolutionism with Darwinism. It was not until Darwin was brought out into the open, until the absurdities of Darwin had made his explanations the laughing stock, that they began to try to distinguish between Darwinism and evolution. They explained that evolutionists

had discarded Darwin's idea of sexual selection—I should think they would discard it, and they are discarding the doctrine of natural selection.

MR. BRYAN—But, my friends, when they discard his explanations, they still teach his doctrines. Not one of these evolutionists has discarded Darwin's doctrine that makes life begin with one cell in the seed and continue in one unbroken line to man. Not one of them has discarded that.

"Let me read you what Darwin says, if you will pardon me. If I have to use some of these long words—I have been trying all my life to use short words, and it is kind of hard to turn scientist for a moment [Laughter] and try to express myself in their language.

"Here is the family tree of Darwin, and remember that is the Darwin that is spoken of in Hunter's biology. That is the Darwin he has praised. That is the Darwin who has series——"

MR. MALONE—What is the book, Mr. Bryan?

MR. BRYAN—"The Descent of Man," by Charles Darwin.

MR. MALONE—That has not been offered in evidence?

MR. BRYAN—I should be glad to offer it.

MR. MALONE—No, no, no, no, no.

MR. BRYAN—Let me know if you want it and it will go in.

MR. MALONE—I would be glad to have it go in. [Laughter]

MR. BRYAN—Let us have it put in now, so that there will be no doubt about it.

MR. MALONE—If you will let us put our witness on to show what the works are.

MR. HAYS—If you will let us put evidence in about it, perhaps we can settle all the questions of what it is. I would be satisfied.

MR. BRYAN—If you attach that condition to it, I may not be willing.

Mr. Bryan (reading from "The Descent of Man," concluding)—" 'In the class of mammals, the steps are not difficult to conceive which led from the ancient monotremata to the ancient marsupials and from these to the early progenitors of the placental mammals. We may thus ascend to the lemuridae, and the interval is not very wide from these to the simiadae. The simiadae then branched off into two great stems, the New

World and the Old World monkeys, and from the lemur and at a remote period, Man, the wonder and glory of the Universe, proceeded.'

"Not even from American monkeys, but from Old World monkeys. [Laughter]

"Now here we have our glorious pedigree, and each child is expected to copy the family tree and take it home to his family to be substituted for the Bible family tree. That is what Darwin says."

JUDGE RAULSTON—Let me ask you a question. Do you understand the evolution theory to involve the divine birth or divinity of Christ's virgin birth in any way or not?

MR. BRYAN—I am perfectly willing to answer the question. My contention is, that the evolutionary hypothesis is not a theory, your honor.

"The Legislature has actually paid evolution a higher honor than it deserves. Evoution is not a theory, but a hypothesis. Huxley said it could not rise to the dignity of a theory until they found some species that had developed according to the hypothesis, and at that time, Huxley's time, there had never been found a single species the origin of which could be traced to another species.

"Darwin himself said he thought it was strange that with two or three million species they had not been able to find one that they could trace to another. About three years ago, Bateson of London, who came all the way to Toronto, at the invitation of the American Academy for the Advancement of Science, which (if the gentlemen will brace themselves for a moment) I will say I am a member of. They invited Mr. Bateson to come over and speak to them on evolution, and he came and his speech on evolution was printed in Science Magazine. After having taken up every effort that had been made to show the origin of species and find it, Bateson told those people that every one had failed—every one, every one.

"And it is true today. Never have they traced one single species to any other, and that is why it was that this so-called expert stated that, while the fact of evolution they think is established, every theory has failed, and today there is not a scientist in all the world who can trace one single species to any other. And yet they call us ignoramuses and bigots, because we do not

throw away our Bible and accept it as proved that out of two or three million species not one is traceable to another. . . .

"Now, my friends, I want you to know that they not only have no proof, but they cannot find the beginning. I suppose this distinguished scholar who came here shamed them all by his number of degrees. He did not shame me, for I have more than he has, but I can understand how my friends felt when he unrolled degree after degree.

"Did he tell you where life began? Did he tell you that back of all these there was a God? Not a word about it. Did he tell you how life began? Not a word and not one of them can tell you how life began.

"No, they take up life as a mystery that nobody can explain, and they want you to let them commence there and ask no questions. They want to come in with their little padded-up evolution that commences with nothing and ends nowhere.

"They do not dare to tell you that it began with God and do not dare to tell you that it ended with God.

"They do not deal with the problems of life. They do not teach the great science of how to live. And yet they would undermine the faith of these little children in that God who stands back of everything and whose promise we have that we shall live with Him forever by and by. They shut God out of the world. They do not talk about God. Darwin says that the beginning of all things is a mystery unsolvable by us. He does not pretend to say how these things started."

JUDGE RAULSTON—Well, if the theory is, Colonel Bryan, that God did not create the cell, then it could not be recognizable with the Bible?

MR. BRYAN—Of course, it could not be recognizable with the Bible.

JUDGE RAULSTON—Before it could be recognizable with the Bible, it would have to be admitted that God created the cell?

MR. BRYAN—There would be no contention about that, but our contention is, even if they put God back there, it does not make it harmonious with the Bible.

"The Court is right, that unless they put God back there it must dispute the Bible, and this witness who has been questioned, whether he has qualified or not—and they could ask him every question they wanted to, but they did not ask him how

life began; they did not ask whether back of all, whether if in the beginning, there was God.

"They did not tell us where immortality began. They did not tell us where, in this long period of time, between the cell at the bottom of the sea and man, where he became endowed with the hope of immortality.

"And Your Honor asked me whether it has anything to do with the Virgin Birth. Yes, because this principal of evolution disputes the miracle.

"There is no place for the miracle in this train of evolution, and the Old Testament and the New are filled with miracles; if this doctrine is true, this logic eliminates every mystery in the Old Testament and the New. And eliminates everything supernatural. And that means they eliminate the Virgin Birth. That means that they eliminate resurrection of the body, and that means that they eliminate the doctrine of atonement.

"And they believe that man has been rising all the time, that man never fell, that when the Savior came there was not any reason for His coming. They believe there was no reason why He should not go as soon as He could, that He was born of Joseph or some other co-respondent, and that He lies in His grave.

"It is this doctrine that gives us Nietzsche, the only great authority who tried to carry this to its logical conclusion. We have the testimony of my distinguished friend from Chicago in his speech in the Loeb and Leopold case that 50,000 volumes had been written about Nietzsche, and that he is the greatest philosopher in the last hundred years; and have him pleading that because Leopold read Nietzsche, and adopted Nietzsche's philosophy of the superman, he is not responsible for the taking of human life.

"We have the doctrine—I should not characterize it as I should like to characterize it—the doctrine that the universities that had it taught and the professors who taught it, are much more responsible for the crime that Leopold committed than Leopold himself.

"That is the doctrine, my friends, that they have tried to bring into existence. They commenced in high schools with their foundation in the evolutionary theory, and we have the word of the distinguished lawyer that Nietzsche is more read

than any other philosopher, and more than any other in a hundred years, and then the statement of that distinguished man that the teachings of Nietzsche made Leopold a murderer."

MR. DARROW—Your Honor, I want to object. There is not a word of truth in it. Nietzsche never taught that, anyhow. There was not a word of criticism of the professors nor of the colleges in reference to that, nor was there a word of criticism of the theological colleges when that clergyman in Southern Illinois killed his wife in order to marry someone else. But again, I say, that the statement is not correct, and I object.

MR. BRYAN—We do not ask to have taught in the schools any doctrine that teaches a clergyman killed his wife——

JUDGE RAULSTON—Of course, I cannot pass on the question of fact.

MR. DARROW—I want to take an exception.

MR. BRYAN—I will read you what you said in that speech here.

MR. DARROW—If you will read it aloud.

MR. BRYAN—I will read that part I want; you read the rest. [Laughter] This book is for sale.

MR. DARROW—First of all, I want to say, of course, this argument is presumed to be made to the Court, but it is not, and I want to object to injecting any other case into this proceeding, no matter what the case is. I want to take exception to it, if the Court permits it. I am willing for him to refer to what he wants to look up, and I will refer the Court to what I want to later.

JUDGE RAULSTON—All right.

MR. DARROW—It will only take up time.

MR. BRYAN—I want to find what he said, where he says the professor and universities were more responsible than Leopold was.

MR. DARROW—All right, I will show you what I said, that the professors and the universities were not responsible at all.

MR. BRYAN—You added after that that you did not believe in excluding the reading of it,——

MR. DARROW—The fellow that invented the printing press did some mischief as well as some good.

MR. BRYAN—Here it is—Page 84; and this is on sale here in town. I got four copies the other day—cost me $2. Any-

body can get it for 50 cents apiece, but he cannot buy mine. They are valuable.

MR. MALONE—I will pay $1.50 for yours. [Laughter]

MR. BRYAN (reading)—"I will guarantee that you can go down to the University of Chicago today, into its big library, and find over a thousand volumes of Nietzsche's, and I am sure I speak moderately. If this boy is to blame for this, where did he get it? Is there any blame attached because somebody took Nietzsche's philosophy seriously and fashioned his life on it? And there is no question in this case but what it is true. Then who is to blame? The university would be more to blame than he is. The scholars of the world would be more to blame than he is. The publishers of the world—and Nietzsche's books are published by one of the biggest publishers in the world—are more to blame than he. Your Honor, it is hardly fair to hang a 19-year-old boy for the philosophy that was taught him at the university."

MR. DARROW—Will you let me see it?

MR. BRYAN—Oh, yes, but let me have it back.

MR. DARROW—I'll give you a new one autographed for you. [Laughter]

MR. BRYAN—Now, my friends, Mr. Darrow asked Howard Morgan: "Did it hurt you? Did it do you any harm?" Why did he not ask the boy's mother.

MR. DARROW—She did not testify.

MR. BRYAN—No, but why did you not bring her here to testify?

MR. DARROW—I fancy that his mother might have hurt him

MR. BRYAN—Your Honor, it is the mothers who find out what is being done, and it is the fathers who find out what is being done. It is a necessary caution to write poison on the outside of this stuff so that it will not be administered without even having taken this precaution. It is the parents that are doing that, and here we have the testimony of the greatest criminal lawyer in the United States, defending one of the most dastardly crimes in the United States, stating that the universities——

MR. DARROW—I object, your Honor, to an injection of that case into this one.

JUDGE RAULSTON—It is argument before the Court; I do not see how——

MR. DARROW—If it does not prejudice you, it does not do any good.

JUDGE RAULSTON—No, sir, it does not prejudice me.

MR. DARROW—Then it does not do any good.

JUDGE RAULSTON—Well—— [Loud laughter and applause]

MR. BRYAN—If your Honor please, let me submit, we have a different idea of the purpose of argument. My idea is that it is to inform the Court, not merely to prejudice the Court.

JUDGE RAULSTON—Yes.

MR. DARROW—I am speaking of this particular matter.

JUDGE RAULSTON—Suppose you get through with Colonel Darrow as soon as you can, Mr. Bryan.

MR. BRYAN—Yes, I will. I think I am through with the Colonel now.

"The gentleman who was called as an expert, I say, did not tell us where life began, or how. He did not tell us anything about the end of this series. He did not tell us about the logical consequences of it, and the implications based upon it. He did not qualify even as an expert in science, and not at all as an expert in the Bible. If a man is going to come as an expert to reconcile this definition of evolution with the Bible, he must be an expert on the Bible also, as well as on evolution, and he did not qualify as an expert on the Bible, except to say he taught a Sunday school class."

MR. MALONE—We are not offering him for that purpose. We expect to be able to call experts on the Bible.

MR. BRYAN—Oh, you did not count him as an expert?

MR. MALONE—We count him as a Christian, possibly not as good as Mr. Bryan.

MR. BRYAN—Oh, you have three kinds to be called?

MR. MALONE—No, just Americans. It is not a question of citizenship and not a distinction.

MR. BRYAN—We are to have three kinds of people called. We are to have the expert scientist, the expert Bible men, and then just Christians.

MR. MALONE—We will give you all the information you want, Mr. Bryan.

MR. BRYAN—Thank you, sir. I think we have all we want now. [Applause]

"Now, your Honor, when it comes to Bible experts, do they think that they can bring them in here to instruct the members

of the jury, eleven of whom are members of the Church? I submit that of the eleven members of the jury more of the jurors are experts on what the Bible is than any Bible expert who does not subscribe to the true spiritual discernments of what our Bible says."

A VOICE—Amen.

MR. BRYAN—And the man may discuss the Bible all he wants to, but he does not want to find out anything about the Bible until he accepts God and the Christ of whom he tells.

MR. DARROW—I hope the reporters got the amens in the record. I want somewhere, at some time, to find some sort of a picture which will be painted—[Laughter]

MR. BRYAN—Your Honor, we first pointed out that we do not need any experts in science. Here is one plain fact, and the statute defines itself, and it tells the kind of evolution it does not want taught, and the evidence says that this is the kind of evolution that was taught; and no number of scientists could come in here, my friends, and override that statute or take from the jury its right to decide this question. So that all the experts that they could bring would mean nothing. And, when it comes to Bible experts, every member of the jury is as good an expert on the Bible as any man that they could bring, or that we could bring.

"The one beauty about the word of God is, it does not take an expert to understand it. They have translated the Bible into five hundred languages. They have carried it into nations where but few can read a word, or write, to people who never saw a book, who never read and yet can understand that Bible, and they can accept the salvation that that Bible offers; and they can know more about that book by accepting Jesus and feeling in their hearts the sense of their sins forgiven, than all of the skeptical outside Bible experts that could come in here to talk to the people of Tennessee about the construction that they place upon the Bible.

"Therefore, your Honor, we believe that this evidence is not competent. This is not a mock trial. This is not a convocation brought here to allow men to come and stand for a time in the limelight and speak to the world from the platform at Dayton. If we must have a mock trial to give these people a chance to get before the public with their views, then let us convene it

after this case is over, and let people stay as long as they want to listen. . . .

"The Bible is the word of God. The Bible is the only expression of man's hope of salvation. The Bible, the record of the Son of God, the Saviour of the world, born of the Virgin Mary, crucified and risen again—that Bible is not going to be driven out of this court by experts who come hundreds of miles to testify that they can reconcile evolution with its ancestor in the jungle, or man made by God in His image and put here for purposes as a part of the divine plan.

"No, we are not going to settle that question here, and I think we ought to confine ourselves to the law and to the evidence that can be admitted in accordance with the law.

"Your court is an office of this State, and we who represent the State as counsel are officers of the State, and we cannot humiliate the great State of Tennessee by admitting for a moment that people can come from anywhere and protest against the enforcement of this State's laws on the ground that it does not conform with their ideas, or because it banishes from our schools a thing that they believe in and think ought to be taught, in spite of the protest of those who employ the teacher and pay him his salary.

"The facts are simple, the case is plain, and if these gentlemen want to enter upon a larger field of educational work on the subject of evolution, let us get through with this case and then convene a mock court, or it will deserve the title of mock court if its purpose is to banish from the hearts of the people the Word of God as revealed." [Prolonged applause]

XI

COURT QUERIES MR. DARROW—VIEWS OF MESSRS. MALONE AND McKENZIE

FREQUENTLY on this fifth day of the trial, Judge Raulston asked questions which added much interest to the debate. After Mr. Darrow had said that the Bible phrase that God created man out of the dust of the earth was merely a figure of speech, and that the Bible used the same language with regard to brutes, this colloquy took place:

JUDGE RAULSTON—So your theory, your opinion, Colonel, is that God might have created him by a process of growth?

MR. DARROW—Yes.

JUDGE RAULSTON—Did not manufacture him as a carpenter might make a table.

MR. DARROW—That is what we claim.

JUDGE RAULSTON—You recognize God behind the first spark of life?

MR. DARROW—You are asking me whether I do?

JUDGE RAULSTON—Your theory, no, not you.

MR. DARROW—We expect most of our witnesses to take that view. As to me, I don't pretend to have any opinion on it.

JUDGE RAULSTON—Is it your theory that man and beast had a common origin of life? Does your theory teach that man developed directly from that common origin, without first developing into the form of any other animal, or that he developed in the one form of life or one physical existence, and then passed from that to another form of physical existence.

MR. DARROW—The theory of evolution, as I understand it, is that life commenced probably with very low forms—most likely one-celled animals—and probably in the sea or on the border of the land and sea. That out of that one form grew another. That there is no such thing as species—that is all nonsense. Science does not talk about species. There are

differences—and all those differences came by various processes, which perhaps none is certain of, but are easily traced through all the history of life that is now extinct. That life has joined on to it, one linking with another, and that man is the highest product of it, having the first stem of all life in a very low organism and one branch growing out and soon another branch in that direction, [pointing] until we reach the apex in man, when he stands alone, but connects his whole history with the primal origins of life. We say that is entirely consistent. It is a process we are interested in, and the Bible story is not inconsistent with that.

JUDGE RAULSTON—A common source—you say all life came from the one cell?

MR. DARROW—Well, I am not quite so clear, but I think it did. It all came from protoplasm, which is a bearer of life, and probably all came from one cell. But all human life comes from one cell. You came from one, and I came from one.

JUDGE RAULSTON—What I want to be clear on—do you say that man developed directly from that one cell into man, or did he develop from that one cell into another animal, and so on, from one form of animal life to another until the apex was reached, and he was man?

MR. DARROW—One form of animal life grew out of another, beginning below. Variation exists, variations of all kinds, all life varies and we are creating those new variations every day. They are not species, they are variations; and as you went on up, there would be a variation in animal structures, on up to man. That is surely consistent with the story that man was created out of the dust of the earth.

JUDGE RAULSTON—According to your theory, where did man become endowed with reason?

MR. DARROW—Well, Judge, I don't suppose there is any scientist today but what knows that the lower order of animals have reason.

JUDGE RAULSTON—It is just at a higher development in man?

MR. DARROW—No, reason begins 'way below man.

JUDGE RAULSTON—I say man has a greater development?

MR. DARROW—Oh, yes, much greater—very much greater—very much greater than any other animal.

JUDGE RAULSTON—Does your theory of evolution speak at all on the question of immortality?

MR. DARROW—There are a lot of people who believe in evolution and who believe in the theory of immortality, and no doubt many who do not. Evolution as a theory is concerned with the organism of man. Chemistry does not speak of immortality and hasn't anything to do with it. Geology doesn't know anything about it.

JUDGE RAULSTON—Those who believe in immortality of the soul—do they also believe that other animals are endowed with immortality?

MR. DARROW—John Wesley used to believe it; he was an evolutionist, in a way. He expected to meet his dog and his horse in the future world. Indians believe it. It has been very common all through the ages, but I don't know—I couldn't say exactly how all evolutionists believe, as to where the idea of immortality came from,—and as for me, I am an agnostic on that. I don't claim to know. I have been looking for evidence all my life and never found it.

In replying to the argument by Mr. Bryan, who had won frequent applause, Mr. Malone was also well received by the spectators, who, as usual, filled every nook and cranny of the courtroom, hanging intently on every word through this long day of debate.

"If the Court please," said Mr. Malone, "it does seem to me that we have gone far afield in this discussion. However, probably this is the time to discuss everything that bears on the issues that have been raised in this case, because, after all, whether Mr. Bryan knows it or not, he is a mammal, he is an animal, and he is a man. But, your Honor, I would like to advert to the law, and to remind the Court that the heart of the matter is the question of whether there is liability under this law.

"I have been puzzled and interested at one and the same time at the psychology of the prosecution, and I find it difficult to distinguish between Mr. Bryan, the lawyer in this case, Mr. Bryan, the propagandist outside of this case, and the Mr. Bryan, who made a speech against science and for religion just now—Mr. Bryan, my old chief and friend.

"I know Mr. Bryan. I don't know Mr. Bryan as well as Mr. Bryan knows Mr. Bryan, but I know this, that he does believe—and Mr. Bryan, your Honor, is not the only one who believes. He is not the only one who believes in God, he is not the only one who believes in the Bible.

"As a matter of fact there has been much criticism, by indirection and implication, of this text, or synopsis, if you please, that does not agree with their ideas of evolution; while, if our religious philosophy depended on the agreement of theologians, we would all be infidels.

"Mr. Bryan quoted Mr. Darwin. That theory was evolved and explained by Mr. Darwin seventy-five years ago. Have we learned nothing in seventy-five years? Here we have learned the truth of geology, we have learned the truth of anthropology, and we have learned more of archæology. Not very long since, the Archæological Museum in London established that a city existed, showing a high degree of civilization, in Egypt 14,000 years old. . . .

"Are we to hold mankind to a literal understanding of the claim that the world is 6,000 years old, because of the limited vision of men who believed the world was flat, and that the earth was the center of the universe, and that man is the center of the earth? It is a dignified position for man to be the center of the universe—that the earth is the center of the universe, and that the heavens revolve about us; and the theory or psychology of the prosecution, and the theory of ignorance and superstition for which they stand are identical, a psychology and ignorance which made it possible for theologians . . . who proposed to prove the theory of Copernicus, that the earth was round and did not stand still, to bring old Galileo to trial —for what purpose? For the purpose of proving a literal construction of the Bible against truth which is revealed. Haven't we learned anything in seventy-five years?

"Are we to have our children know nothing about science except what the church says they shall know? I have never seen harm in learning and understanding, in humility and open-mindedness, and I have never seen clearer the need of that learning than when I see the attitude of the prosecution, who attack and refuse to accept the information and intelligence which expert witnesses will give them.

"This is not a conflict of personages. It is a conflict of ideas, and I think this case has been developed by men of two frames of mind.

"Your Honor, there is a difference between theological and scientific men. Theology deals with something that's established and revealed. It seeks to gather material which they claim should not be changed. It is the word of God, and that cannot be changed. It is literal; it is not to be interpreted. That is the theological mind. It deals with theology.

"Scientific fact is a modern thing. I am not sure that Galileo was the man who brought relief to the scientific mind, because theretofore Aristotle and Plato had reached their conclusions and processes, by metaphysical reasoning, because they had no telescope, and no microscope. Those were things that were invented by Galileo.

"The Bible is the book of revealed religion, with rules of conduct, and with aspirations. That is the Bible. The scientist says, take the Bible as guide, as an inspiration, as a set of philosophies and preachments in the world of theology.

"And what does this law do? We have been told here that this was not a religious question. I defy anybody, after Mr. Bryan's speech, to believe that this is not a religious question.

"Mr. Bryan brought all of the 'foreigners' into this case. Mr. Bryan had offered his services from Miami, Fla. He does not belong in Tennessee. If it be wrong for American citizens from other parts of this country to come to Tennessee to discuss issues which we believe, then Mr. Bryan has no right here either. But it was only when Mr. Darrow and I had heard that Mr. Bryan had offered his name and his reputation to the prosecution of this young teacher that we said, 'Well, we will offer our services to the defense.' And we feel at home in Tennessee. We have been received with hospitality. Personally, our ideas have not taken effect yet. We have corrupted no morals so far as I know, and I would like to ask the Court if there was any evidence in the witnesses produced by the prosecution of moral deterioration due to the course of biology which Professor Scopes taught these children—the little boy who said he had not been hurt by it, who slipped from the chair possibly and went to the swimming pool, and the other who said that the theory he was taught had not taken him out of the church.

"This theory of evolution, in one form or another, has been up in Tennessee since 1832, and I think it is incumbent on the prosecution to introduce at least one person in the State of Tennessee whose morals have been affected by the teaching of this theory.

"After all, we of the defense contend—and it has been my experience, your Honor, in my twenty years as a criminal lawyer—that the prosecution has to prove its case; that the defense does not have to prove it for them.

"We have a defendant here charged with a crime. The prosecution is trying to get your Honor to take the theory of the prosecution as the theory of our defense, and we want to present our own theory of our defense, and to present our own theory of this law. We maintain, your Honor, if everything that the State has said in its testimony be true—and we admit it is true—that under this law, the defendant Scopes has not violated that statute. Haven't we the right to prove it by our witnesses if that is our theory?

"If that is so, moreover, let us take the law, 'be it enacted by the State of Tennessee that it shall be unlawful for any teacher in any universities, normals or any other schools in the State which are supported in whole or in part by public funds of the State, to teach any theory that denies the story of divine creation of man as taught in the Bible, *and* to teach him that man is descended from a lower order of animals.' If that word had been 'or' instead of 'and', then the prosecution would only have to prove half of its case.

"But it must prove, according to our contention, that Scopes not only taught a theory that man had descended from a lower order of animal life, but at the same time, instead of that theory, he must teach a theory which denies the story of divine creation set forth in the Bible.

"And we maintain that we have the right to introduce evidence by these witnesses that the theory of the defendant is not in conflict with the theory of creation in the Bible.

"And, moreover, your Honor, we maintain we have the right to call witnesses to show that there is more than one theory of creation in the Bible. Mr. Bryan is not the only one who has spoken for the Bible. Judge McKenzie is not the only defender of the word of God. There are other people in this country who have given their whole lives to God.

"But these gentlemen say, 'The Bible contains the truth; if the world of science can produce any truth or facts not in the Bible as we understand it, then destroy science, but keep our Bible.'

"And we say, 'Keep your Bible. Keep it as your consolation, keep it as your guide, but keep it where it belongs, in the world of your own conscience, in the world of your individual judgment, in the world of the Protestant conscience that I heard so much about when I was a boy.

" 'Keep your Bible in the world of theology where it belongs and do not try to tell an intelligent world and the intelligence of this country, that these books, written by men who knew none of the accepted fundamental facts of science, can be put into a course of science.' "

JUDGE RAULSTON—I wanted to get your theory as to whether you thought it was in the province of the Court to determine which was true, or whether it was your theory that there was no conflict, and that you had a right to introduce proof to show what the true construction or interpretation of the Bible story was.

MR. MALONE—Yes.

"I would like to say something for the children of the country. We have no fears about the young people of America. If any teacher teaches the boys or the girls today an incredible theory, we need not worry about these children of this generation paying much attention to it. The children of this generation are pretty wise. The least that this generation can do, your Honor, is to give the next generation all the facts, with the hope that they will make a better world of this than we have been able to make of it.

"There is never a duel with the truth. The truth always wins. The truth is no coward. The truth does not need the law. The truth does not need the forces of Government. The truth does not need Mr. Bryan. The truth is imperishable, eternal and immortal and needs no human agency to support it.

"We are ready to tell the truth as we understand it. And we do not fear all the truth that they can present as facts. We are ready. We feel we stand with progress. We feel we stand with science. We feel we stand with intelligence. We feel we stand with fundamental freedom in America. We are not afraid. Where is the fear? We defy it!"

Mr. Stewart followed Mr. Malone, with the State's final plea against the admissibility of scientific testimony.

"What is there that is back of this law?" he asked. "What is this thing that comes here to strike within the bounds of this jurisdiction and to tell the people of this Commonwealth that they are doing wrong to prohibit the teaching of this theory in the public schools? From whence does this opposition originate? Who conceived the idea that Tennessee did not know what she was doing?

"They say it is sponsored by a lot of religious bigots. Mr. Darrow said that, substantially that.

"Ignorant—who said so? A little handful of folks—a mere handful, who bring to you a theory which they themselves can never say is anything but a theory.

"How far back can science go? How can science know that man began as a little germ in the bottom of the sea? Science should continue to progress, and it should be unhampered within the bounds of reason. I am proud of the progress that it has made, but I should say, your Honor, that when science treads upon holy ground, then science should invade no further.

"Almighty God, in His conception of things here, did not intend that there should be a clash upon this earth between any of the forces here, except—save and except—the forces of good and evil, and I am sorry that there has come a clash between scientific investigation and God's word.

"If the Court please, those who live in this sovereign jurisdiction prefer to worship God according to the dictates of their own consciences, and we give every one the right to do so; and, your Honor, I would criticize no man for his individual view of things.

"But why, if the Court please, is this invasion here? Why, if the Court please, have we not the right to interpret our Bible as we see fit? Why have we not the right to bar the door to science when it comes within the four walls of God's church upon this earth? Have we not that right? Who says that we have not? Show me the man who will challenge it.

"They say this is a battle between religion and science. If it is, I want to serve notice now, in the name of the great God, that I am on the side of religion.

"They say it is a battle between religion and science, and in

the name of God I stand with religion, because I want to know that beyond this world there may be an eternal happiness for me and for all.

"Tell me that I would not stand with it? Tell me that I would believe I was a common worm and would writhe in the dust, and go no further when my breath had left my body?

"There should not be any clash between science and religion. I am sorry that there is, but who brought it on? How did it occur? It occurred from teaching that infidelity, that agnosticism—that which breeds in the soul of the child infidelity, atheism, and drives him from the Bible that his father and mother raised him by; which, as Mr. Bryan has so eloquently said, drives man's sole hope of happiness and of religion and of freedom of thought and worship and Almighty God from him.

"I say, bar the door and don't allow a science to enter that would deprive us of all the hope we have in the future to come.

"Mr. Darrow says he is an agnostic. He is the greatest criminal lawyer in America today. His courtesy is noticeable, his ability is known, and it is a shame, in my mind, in the sight of a great God, that a mentality like his has strayed so far from the natural goal that it should follow. Great God! the good that a man of his ability could have done if he had aligned himself with the forces of right, instead of aligning himself with that which strikes its poisonous fangs at the very bosom of Christianity!

"Yes, discard that theory of the Bible—throw it away and let scientific development progress beyond man's origin. And the next thing you know, there will be a legal battle staged within the corners of this state or some other state, that challenges even permitting anyone to believe that Jesus Christ was divinely born—that Jesus Christ was born of a virgin. Challenge that, and the next step will be that there will be a battle staged denying the right to teach that there was a Resurrection, until finally that precious Book and its glorious teachings upon which this civilization has been built will be taken from us.

"Yes, we have all studied the history of this country. How many have read the story in history of when the Puritan fathers of this land went on Sunday to their church through the dense woods? No one, perhaps, except the father and

mother and one or two little children, braved the dangers that lurked behind each tree in the forest, for in those days the Indians killed the Puritans on frequent occasions. Why did they do these things, going on Sunday to the religious worship and on other days to worship God according to the dictates of their own conscience?

"We are taught that George Washington, on one occasion before a battle he fought, led his army in prayer, and on another occasion secreted himself in a hiding place and prayed in private to the Great God for victory.

"We are told that the great general of the Southern Confederacy, Robert E. Lee, prayed to God before each battle,—and yet we have a test by science that challenges the right to open this court with a prayer to God.

"I ask you again, who is it and what is it that comes here to attack this law and say to this people, 'Even though we are but a handful, you are a bunch of fools'? Who is it, I say?

"I do not know just who they might be, but they are in strange company. They come and say: 'You shall not open your court with prayer; we protest.' They say we shall not teach our Bible to our children because it conflicts with scientific investigation. I say scientific investigation is nothing but a theory and will never be anything but a theory. Show me some reasonable cause to believe it is not. They cannot do it."

MR. HAYS—Give us a chance.

MR. STEWART—Chance to what?

MR. HAYS—To prove it. To show what it is.

MR. STEWART—If, your Honor please, that charge strikes at the very vitals of civilization, and if Christianity is not entitled to a chance [applause and laughter] to prove by the word or mouth of man that man did not originate in the bottom of the sea, it is as absurd and as ridiculous as to say that a man might be half monkey, half man. Whoever saw one? At which stage in development did he shed his tail? Where did he acquire his immortality? At what stage in his development did he cross the line from monkeyhood to manhood? Yes, I confess, your Honor, their purpose might be to show that to me, but not because they descended from a lower order of animals.

"Now, if your Honor please, this has been an unusual discussion. We have all gone beyond the pale of the law in

saying these things, and I submit to your Honor that in its last analysis it must rest upon a construction of the statute and upon the law as given by Mr. Bryan this morning, and in an invasion of the province of the Court and jury. I submit, your Honor, that under a correct construction of this statute that this scientific evidence would be inadmissible.

"And I ask your Honor . . . not to let us make a blunder in the annals of the tribunals of Tennessee by permitting such as this. It would be a never-ending controversy, it would be a babble of song. So if the Court pleases, I ask your Honor respectfully and earnestly to disallow the admission of this testimony, and I ask it because I believe that under the law of Tennessee, it is absolutely inadmissible."

Reserving decision as to the admissibility of such testimony, offered by the scientists on behalf of the defense, Judge Raulston then adjourned court until next morning.

XII

SCIENTIFIC TESTIMONY EXCLUDED

AS soon as court opened next day, Friday, July 17, Judge Raulston read his ruling that scientific testimony on evolution was not to be admitted. That ruling read in part:

"The State says that it is both proven and admitted that this defendant did teach in Rhea County, within the limits of the statute, that man descended from a lower order of animals, and that with these facts ascertained and proven, it has met the requirements of the statute and has absolutely established the defendant's guilt, and with his guilt thus admitted and established, his ultimate conviction is unavoidable and inevitable, and that no amount of expert testimony can aid and enlighten the Court and jury upon the real issues or affect the final results.

"In other words, the State insists that by a fair and reasonable construction of the statute the real offense provided against in the act is to teach that man descended from a lower order of animals, and that when this is accomplished by a fair interpretation and by legal implication the whole offense is proved. That is, the State says that the latter clause interprets and explains what the Legislature meant and intended by the use of the clause 'any theory that denies the story of Divine creation as taught in the Bible.'

"But the defendant is not content to agree with the State in its theory, but takes issue and says that before there can be any conviction the State must prove two things:

"First—That the defendant taught evolution in the sense used in the statute.

"Second—That this teaching was contrary to the Bible.

"That these are questions of fact, that the proof must show what evolution is, so that the jury may determine whether evolution as taught by the defendant conflicts with the Bible,

that it is not merely what the defendant said, or what the Book taught, and that they cannot do this without evidence. That is that the defendant must have taught the descent of man from a lower order of animals and a theory contrary to that of divine creation as taught by the Bible; that the teaching of either would not be a crime.

"It is not within the province of the Court, under these issues, to determine which is true, the story of divine creation as taught in the Bible, or the story of creation of man as taught by evolution.

"If the State is correct in its insistence, it is immaterial, so far as the results of this case are concerned, as to which theory is true, because it is within the province of the legislative branch, and not the judicial branch, of the Government to pass upon the policy of a statute; and, the policy of this statute having been passed upon by that department of the Government, this Court is not further concerned as to its policy, but is interested only in its proper interpretation, and, if valid, its enforcement.

"Let us now inquire what is the true interpretation of this statute. Did the Legislature mean that before an accused could be convicted the State must prove two things:

"First, that the accused taught a theory denying the story of divine creation as taught in the Bible.

"Second, that man descended from a lower order of animals?

"If the first must be specifically proven, then we must have proof as to what the story of divine creation is, and that a theory was taught denying that story. But if the second clause is explanatory of the first, speaks into the act the intention of the Legislature and the meaning of the first clause, it would be otherwise.

"To illustrate: When the Legislature had provided that it shall be unlawful to teach a theory that denies the divine story as taught in the Bible, and then, by the second clause, merely clarified their intention, and that the real intention provided by the statute taken as a whole was to make it unlawful to teach that man descended from a lower order of animals, then there would be no such ambiguity and uncertainty as to the meaning of the statute and as to the offense provided against as to justify the Court in calling in expert testimony to explain.

"The Court will seek the aid or opinion of expert evidence only when the issues involve facts of such complex nature that that a man of ordinary understanding is not competent and qualified to form an opinion.

"In Tennessee an act should be construed so as to make it carry out the purposes for which it was enacted.

"The legislative intent will prevail over the strict letter, and in order to carry into effect its intent general terms will be limited and those which are narrow expanded.

"In the act involved in the case at bar, if it is found consistent to interpret the latter clause, having any theory which denies the Biblical story of the divine creation of man as explanatory of the legislative intent as to the offense provided against, then why call experts? The ordinary non-expert mind can comprehend the simple language, 'descended from a lower order of animals.'

"These are not ambiguous words or complex terms. But while discussing these words, by way of parenthesis, I desire to suggest that I believe evolutionists should at least show man the consideration to substitute the word 'ascend' for the word 'descend.'

"In the final analysis, this Court, after a most earnest and careful consideration, has reached the conclusion that under the provisions of the act involved in this case it is made unlawful thereby to teach in the public schools of the State of Tennessee the theory that man descended from a lower order of animals. If the Court is correct in this, then the evidence of experts would shed no light on the issues.

"Therefore, the Court is content to sustain the motion of the Attorney General to exclude the expert testimony, the purpose of which is to explain the origin of man and life in this world."

The obvious effect of this decision was to destroy the case of the defense. They had not placed Mr. Scopes on the stand and did not intend to. Although they had been permitted to introduce testimony by one scientific expert—Dr. Metcalf—he had been questioned in the absence of the jury, and the Court's decision not only nullified his testimony, but also made it impossible to call more than a dozen other scientists, all waiting in Dayton, for the purpose of examination before the jury.

Mr. Hays rose promptly to take exception to the Court's ruling. With some heat, he said:

"It is contrary to every element of Anglo-Saxon procedure and jurisprudence to refuse to permit evidence as to what evolution is and what it means, what the Bible is and what it means. I take my exception on the further ground that for the Court of Rhea County to try to determine whether or not this law is unreasonable without informing itself by evidence assumes plenary knowledge on a subject which has been studied by scientists for generations."

MR. STEWART—Such a procedure as that is unknown to the laws of Tennessee, and I except to the manner in which the counsel for the defense excepts to the Court's ruling. I think it is a reflection upon the Court.

JUDGE RAULSTON—Well, it won't hurt this Court.

MR. STEWART—I think there is no danger of it hurting the Court, for that matter.

MR. DARROW—There is no danger of it hurting us.

MR. STEWART (with a laugh)—No, you are already hurt as much as you can be hurt.

MR. DARROW—Don't worry about us. The State of Tennessee doesn't rule the world yet. With the hope of enlightening the Court as a whole, I want to say that the scientists probably will not correct the words "descent of man," and I want to explain what "descent" means, as starting with a low form of life and finally reaching man.

MR. STEWART—We all have dictionaries.

MR. DARROW—I don't think the Court has one. We will submit your Honor's request to the Association of Scientists.

JUDGE RAULSTON—I think the Court understands some things as well as the scientists.

MR. DARROW—Obviously.

MR. HAYS—May I respectfully move, if the Court regards this question as one of law for the Court, and if the Court believes that the question as to whether or not this law is unreasonable is wholly one for the Court, that the Court hear evidence in order to inform itself on that question, in the presence of the Court only and the absence of the jury?

MR. STEWART—They are entitled to have entered of record the substance of what they expect to prove. We do not ques-

tion that. But they have no right to examine witnesses and conduct a long-drawn-out examination and make a farce of your Honor's opinion.

JUDGE RAULSTON—How many branches of science have you represented here by witnesses?

MR. HAYS—About six. As I interpret your opinion, it does not cover this proposition. The Court still has to charge the jury and the Court still has to pass on questions of law. We wish to raise, not only before your Honor, but before your higher courts, our proposition that this law is unreasonable. If your Honor will permit me to give an example. Suppose the Legislature passed a law prohibiting workmen from working more than six hours in a paint factory. The Court would declare that law unconstitutional. But in doing that the Court would find out the effect of working more than six hours, and if the work was deleterious to the health of the workmen, then the Court would hold such law constitutional.

JUDGE RAULSTON—Let me state what I have in mind. I think you are entitled to have in the record a sufficient amount of your proof to indicate to the Appellate Court, in case of conviction here, what your proof would have been. I think you have a right to introduce that proof, that is, under such limitations as the Court may prescribe, and let it be written in the record in the absence of the jury, and I meant all the time for you to do that.

MR. HAYS—I would like to state further, if I can prevail upon you to do so, I understand the rule is that we can put in the evidence in that fashion in order that we may make a record for the Appellate Court, but we not only want to do it for that reason, but we feel we have also a right to argue before the Court, and the Court will hear us upon the question whether or not this law is reasonable. General Stewart says that that motion has been denied. That is true, but I hope the Court will hear this with an open mind. We want to introduce the evidence and ask that the Court take that evidence and inform itself; and should the Court come to a different conclusion, and we hope to persuade the Court that this law is unreasonable, we ask the Court to permit us to put on evidence for the sole purpose of informing the Court so you can determine after evidence whether or not this law is unreasonable. I regard

that as so important, you will permit me to again refer to my Copernican illustration which has seemed to be so humorous to the Court in general.

"Your Honor knows there are people in the United States who would like to enforce on the people of the United States laws to the effect that nothing could be taught contrary to the theory that the planets move around the earth and that the earth is the center of the universe, and I have learned of them in the hill country back of Dayton. In my judgment, if you permit us to offer the evidence, your Honor will come to the same conclusion on evolution that you have come to on the question of the Copernican theory; and I ask that it be put in as evidence in this case in order to inform this Court and give us an opportunity to show whether that law is reasonable or not. Your Honor told me yesterday that your Honor would hear us with an open mind."

JUDGE RAULSTON—I am going to let you introduce evidence, and I will sit here and hear you, and if that evidence were to convince me that I was in error, I would, of course, reverse myself.

MR. HAYS—That is true. I know you would do that.

JUDGE RAULSTON—You can introduce evidence for the other purpose, and I will hear it, and I never hesitate to reverse myself if I find myself in error.

MR. HAYS—That being so, I think your Honor ought to permit us to enter the evidence for both purposes.

JUDGE RAULSTON—It looks like we are quibbling over a matter really without a difference.

MR. HAYS—If that is so, won't your Honor give me that privilege?

Mr. Stewart then remarked that the defense was attempting to make a farce of the Court's ruling, and Mr. Malone demanded that he withdraw this remark, adding:

"We haven't really provided any low comedy here so far."

MR. STEWART—I will be glad to withdraw that and supplement it with this remark which you will not deny. It is a known fact that the defense consider this a campaign of education to get before the people their ideas of evolution and

scientific principles. This case has the aspect of novelty and therefore has been sensationalized by the newspapers, and of course these gentlemen want to take advantage of that opportunity. I don't want to make any accusations that they are improperly taking advantage of it. They are lawyers and they have these ideas, and it is an opportunity to begin a campaign of education for their ideas and theories of evolution and of scientific principles; and I take it that that will not be disputed. But all I ask, if the Court please, is that we do not go beyond the pale of the law in making this investigation.

"They say they have here six branches of science. I don't care how many branches they have. There is only one that is pertinent to this case, only one theory, and that is the theory of evolution, which teaches that man is descended from a lower order of animals; and if they want something for the higher courts to look at to support that theory, let that be put in the substance."

MR. MALONE—I just want to make this statement for the purpose of the record, that the defense is not engaged in a campaign of education, although the way the defense has handled the case has probably been of educational value. We represent no organization, nor organizations, for the purpose of education. Your Honor knows that everything the Court says not only goes out to the world through the newspapers, but through the radio, and it is difficult for a court these days to exclude a jury from what is going on in the courtroom. . . . If the defense is representing anything, it is merely representing the attempt to meet the campaign of propaganda which was begun by a distinguished member of the prosecution.

Mr. Bryan asked whether the State would be permitted to cross-examine defense testimony admitted to the record only for purposes of an appeal.

JUDGE RAULSTON—Well, Mr. Bryan, I will say I think the Court would make itself absurd, after the Court has passed upon the question, to say he will hear testimony whether or not he was right in his former decision. I want this proof put into the record. I think they are entitled to some of it under the limitations the Court may prescribe. If after hearing this proof, I shall conclude my former decision was erroneous and

unlawful, I would not hesitate to set it aside, but I cannot incline to set it aside in the beginning and say I will have proof to determine whether or not I will set my opinion aside.

Mr. Bryan repeated his question whether the State would be permitted to cross-examine.

JUDGE RAULSTON—Certainly, Mr. Bryan, you may.

MR. DARROW—They have no more right to cross-examine than to bring in the jury to hear this issue. We want to submit what we want to prove. That is all we want to do. If that will not enlighten the Court, cross-examination of Mr. Bryan will not enlighten the Court. Counsel well knows what the judgment and verdict in this case will be. We have a right to present our case to another court, and that is all we are after. And they have no right whatever to cross-examine any witness when we are offering to show what we expect to prove.

JUDGE RAULSTON—Colonel, what is the purpose of cross-examination?

MR. DARROW—The purpose of cross-examination is to be used on the trial.

JUDGE RAULSTON—Well, isn't it an effort to ascertain the truth?

MR. DARROW—No, it is an effort to show prejudice. Nothing else. Has there been any effort to ascertain the truth in this case? Why not bring in the jury and let us prove it?

JUDGE RAULSTON—Courts are a mockery——

MR. DARROW—They are often that, your Honor.

JUDGE RAULSTON—When they permit cross-examination for the purpose of creating prejudice.

MR. DARROW—I submit, your Honor, there is no sort of question that they are entitled to cross-examine, that all this evidence is to show what we expect to prove and nothing else and can be nothing else.

JUDGE RAULSTON—I will say this. If the defense wants to put their proof in the records in the forms of affidavits, of course they can do that. If they put the witnesses on the stand, the State desires to cross-examine them. I shall expect them to do so.

Mr. Darrow took an exception. And here occurred one of the most dramatic incidents of the trial. The defense attorneys,

especially Mr. Darrow, were thoroughly aroused by the day's events so far; and when, following the Darrow exception, Judge Raulston, standing, his right hand on his gavel, said: "Yes, sir. Always expect this Court to rule correctly,"—Mr. Darrow, directly facing the Court and with arms folded, snapped out this rejoinder: "No, sir, we do not."

JUDGE RAULSTON—I suppose you anticipated it.

MR. DARROW—Otherwise we would not be taking our exceptions here, your Honor. We expect to protect our rights in some other court. Now, that is plain enough, isn't it? [A pause] Then we will make statements of what we expect to prove. Can we have the rest of the day to draft them?

JUDGE RAULSTON—I would not say——

MR. DARROW—If your Honor takes half a day to write an opinion——

JUDGE RAULSTON—I have not taken——

MR. DARROW—We want to make statements here of what we expect to prove. I do not understand why every request of the State and every suggestion of the prosecution should meet with an endless extension of time, and a bare suggestion of anything that is perfectly competent on our part should be immediately overruled.

JUDGE RAULSTON—I hope you do not seem to reflect upon the Court.

MR. DARROW—Well, your Honor has the right to hope.

JUDGE RAULSTON—I have a right to do something else, perhaps.

MR. DARROW—All right, all right.

Mr. Darrow paused, as though expecting the Judge to reply, and for the moment it was believed that the Court would hold him in contempt of court. But there was no reply, and, for that day at least, the incident ended there.

MR. BRYAN—Do I understand that the defense has decided to put on no witness, but simply to present affidavits?

MR. DARROW—That it is to present a statement.

MR. BRYAN—And no cross-examination. I understood they were to present witnesses and we were to have a right to cross-examine.

MR. DARROW—You wouldn't have a right to cross-examine

if we put on witnesses for the purpose of showing what we expect to prove.

MR. STEWART—The Court has held he has. We are conducting this case as the Court directs.

MR. DARROW—So far.

MR. STEWART—So long as the trial continues, I hope.

MR. BRYAN—Then are we entitled to go on in the form of affidavits? Would we have a right to produce any rebuttal? Not for this court, but an upper court. Is it to be a one-sided trial in the upper court, and will the upper court have nothing before it except the expert statements of the defendants? Or will the plaintiff be entitled to put in, in the form of affidavits, its proof in rebuttal of what is promised or expected by the defendant?

MR. DARROW—Mr. Bryan is naturally a little rusty in practice. Of course the plaintiff has no such right. The question is, is it admissible now? After it has been heard the State can introduce its rebuttal, but the question is, is this evidence which we offer admissible now? And as long as the Court has held it is not, we are expected to state what we will show.

JUDGE RAULSTON—I rather think Colonel Darrow is correct. The State's theory is that none of this proof is relevant to the issues, and I have excluded their evidence, holding that under the issues made up under the statute it is not relevant. Now the only purpose the Court would have in allowing them to put their testimony in the record would be that the higher courts might properly determine whether this court was in error or not in excluding their testimony. If the court there decides that evidence was admissible, then it would not be a question there to determine which theory was correct. But the Appellate Court, independent of any number of affidavits you would put in, would not attempt to pass upon the facts. But if they found that this court had erred in excluding this expert testimony, the case would be sent back; so I think you would not be entitled to put in any rebuttal proof, would be my conception. When it comes to taking the whole day to prepare affidavits I hate to lose the time. Colonel Darrow is certainly laboring under a mistake when he says the Court has ever taken a day to prepare an opinion. I read an opinion the other day. The Court waited from 1:30 to 3:30—the forenoon, about five

hours, perhaps. It did take time; yes, I believe that is correct.

MR. STEWART—Your Honor needed that time.

MR. DARROW—I want to ask if it is unreasonable for me to ask for the rest of the day to prepare the statements.

JUDGE RAULSTON—I don't know.

MR. DARROW—I ought to know.

JUDGE RAULSTON—Do you think you need the time?

MR. DARROW—I do need it, your Honor.

JUDGE RAULSTON—You would know better than I. Regardless of the opinion of counsel, I have no purpose except to be fair. But if it takes the day to do it, why, of course; but I hate to lose the time; but justice is more important than time.

Although Mr. McKenzie suggested that he be permitted to use the rest of the day to sum up for the State, it was agreed to adjourn until Monday morning.

After Court adjourned Mr. Bryan and Mr. Darrow issued statements. The Bryan statement was in reply to a question as to whether he believed the anti-evolution law to be constitutional.

"Yes, I have not the slightest doubt of it," he said. "The Court has so held in this case and the decision is backed by authority that, in my judgment, is indisputable and unanswerable.

"The defense brought up every conceivable objection, several of them based upon the Constitution of Tennessee and one on the Constitution of the United States. The Court overruled them all, and in doing so, did what I believe any court and every court will do. . . .

"In Tennessee the Christians are in the majority, and they voluntarily restrain themselves from teaching the Bible in the public schools. Having thus restrained themselves from teaching the Bible or defending the Bible, attacking the Bible is undermining the faith of the children by teaching a hypothesis which the parents believe contrary to the Bible story of man's creation, namely, that man is a descendant of the lower forms of life.

"I cannot believe that any court will deny to the majority of the people of Tennessee, speaking through the Legislature, the right to protect their religion from what they regard as an

assault upon it by a minority that is trying to force 'ts views upon the children, when these views, according to the people of the State, are inconsistent with the Bible and tend to undermine the children's faith in the Word of God."

"The attitude of Mr. Bryan and the prosecution throughout the past week," said Mr. Darrow, "has shown the country that Bryan has done everything in his power to prevent any discussion in court of the subject of evolution and the Bible. Bryan knows perfectly well that the Court would not have ruled out the scientific testimony if Bryan had not opposed its admission. Bryan is willing to express his opinions on science and religion where his statements will not be questioned, but Bryan has not dared to test his views in open court under oath in contest with the testimony of great educators and scientists. Bryan made the issue and then, when he found that no reputable scientist and no pre-eminent theologian could be found to support his views in a court of justice, Bryan fled from the issue and sought the protection of technicalities. Bryan, who blew the loud trumpet calling for a 'battle to the death,' has fled from the field, his forces disorganized and his pretensions exposed."

XIII

BRYAN VS. DARROW

DURING the second week-end, the scene of battle was shifted from the courtroom to the lawn in front of the house where Mr. Bryan was lodging, and to the Mansion, Mr. Darrow's headquarters. With about two miles as the range, each aimed his verbal shafts at the other on Saturday, while Dayton, relieved of the necessity of pushing its way into the courtroom or lounging about under the loud speaker, went about its business with something of its customary calm.

Mr. Bryan's statement, issued first, renewed hostilities thus:

"We are making progress. The Tennessee case has uncovered the conspiracy against the Bible Christianity; those who worship the Bible God, trust the Bible as the word of God, and believe in the Bible Christ are opening their eyes to what evolution really is and to its effect when accepted and followed as an interpretation of man and a philosophy of life.

"Multitudes have been deceived by the use of the term 'evolution' to define things that are not evolution. In one of the science books taught in the Dayton High School and referred to in the trial there is a chapter on the 'evolution of machinery.' Machinery does not evolve; it is an inanimate thing that man designs and improves. The various forms of growth, like the growth of a plant from a seed, the growth of a chicken from an egg or the growth of a human being from a small beginning —all these are carelessly described as 'evolution.'

"The world is now learning—most of the world for the first time—that evolution, as the scientists teach it, is an imaginary process, wholly unproved, that begins with life but does not attempt to explain life, and represents man as the climax of a series of changes coming up from a simple cell through millions of forms of life different from man.

"This hypothesis makes every living thing known in animal

life a blood relative of every other living thing in animal life, and makes man a blood relative of them all—either an ancestor or a cousin. If this hypothesis were true, we would all be murderers if we swatted a fly or killed a bedbug, for we would be killing our kin, and we would be cannibals whenever we ate any of the mammals that, according to Mr. Scopes' teaching, are included with man in the little circle of the diagram of the biology taught by Scopes.

"But that is not all. If the evolutionary hypothesis is true, man has come up through the animals below him by a cruel law under which the strong kill off the weak. Darwin argues that the race was necessarily impaired by the suspension of this cruel law. He commended by implication the savages who are eliminating the weak, saying that it left the survivors strong.

"He even suggested that vaccination had saved the lives of thousands who would otherwise have succumbed because of weak constitutions—the implication being that the race would have been benefited by allowing them to die instead of prolonging their lives and permitting them to propagate. He complained that civilized society and medical men attempt to prolong life every last moment.

"No more cruel doctrine was ever promulgated. Those who believe it are robbed of the pity and the mercy that comes of civilization.

"To show that Darwin's heartless doctrine has not been abandoned one has only to read a book that came out about three years ago. I will not give the name of the author, for I do not care to advertise his name.

"In his preface, he says that he is indebted to some twenty eminent scientists, 'professors and doctors,' and he singled out for special gratitude a young man recently elected president of a great state university, a man whose career the author predicts will 'be one of the world's events of the coming generation.' This eminent educator read the manuscript over twice and 'made many invaluable suggestions.'

"On page 34 of this book we are told that 'evolution is a bloody business, but civilization tries to make it a pink tea.' Then he adds:

"'Barbarism is the only process by which man has organically progressed and civilization is the only process by which

"How It Started"

Principals of Scopes trial grouped around table in Robinson's Drug Store (specially posed)
Seated—H. E. Hicks, attorney; John T. Scopes; Walter White, Rhea County superintendent of schools; and County Judge J. G. McKenzie
Standing—B. M. Wilber, justice of the peace; W. C. Haggard, an attorney; W. E. Morgan; Dr. George W. Rappleyea, chemical engineer who initiated prosecution of his friend to test the law; S. K. Hicks, attorney; and E. E. Robinson, chairman, Rhea County Board of Education

WILLIAM J[ENNINGS] BRYAN

Scene at Dayton Courtroom during Scopes trial as the Commoner delivered his speech defending the Bible

he has organically declined. Civilization is the most dangerous enterprise on which man ever set out. For when you take man out of the bloody, brutal but beneficent hand of natural selection, you place him at once in the soft, perfumed, daintily gloved but far more dangerous hand of artificial selection.' Here we have evolution unmasked.

"The evolutionists have not been honest with the public. Even ministers who believe in evolution have assured their congregations that there is no inconsistency between Darwinism and Christianity. Do they know its effect on Darwin, or, knowing its effect, do they dare conceal it from their congregations?

"The ministers should tell their congregations that evolution leads logically to agnosticism; they should tell them of the wail of Romanes, sometimes called the successor of Darwin, who said in his book, written to prove that there is no God:

"'I am not ashamed to confess that with this virtual negation of God, the universe to me has lost its soul of loveliness, yet when at times I think, as think at times I must, of the appalling contrast between the hallowed glory of that creed that once was mine and the lonely mystery of existence as now I find it—at such times, I shall ever feel it impossible to avoid the sharpest pang of which my nature is susceptible.'

"But this trial has another important effect. The presence of Mr. Darrow here, an avowed agnostic, both as to God and as to immortality—he has so stated in court before the Judge—represents the most militant anti-Christian sentiment in the country. He protested against opening the court with prayer and has lost no opportunity to slur the intelligence of those who believe in orthodox Christianity, and to hurl the charge of bigotry against every one who objects to the teaching of evolution in the schools.

"Mr. Darrow in the celebrated Leopold-Loeb trial boldly argued that the boys were not responsible for what they did, laying the blame upon their ancestors and their environment, and relieving them of all personality or power to decide between good and evil.

"The Christian world is not going to give up its belief in God or its belief in the Bible as our only standard of morals or in Christ as our only Saviour and wisest guide. The Christian world will not give up these sacred things at the demand of

these intolerant champions—not of science but of an unproven guess—the logical tendency of which is to rob man of his moral standards in this world and of hope of immortal life in the world to come.

"Yes, we are making progress, and we can acknowledge our indebtedness to quite a number for unintentional aid.

"First, we are indebted to Professor Scopes, whose devotion to the doctrine that gives him a jungle ancestry is so passionate that, though a school teacher, he was willing to become a violator of the law in order to test its constitutionality.

"But our indebtedness is much greater to Mr. Darrow, Mr. Scopes's chief attorney. Mr. Darrow was chosen by Mr. Scopes himself to represent his interests, if not his views. Mr. Darrow's hostility to Christianity, proclaimed for a generation, and his conduct in this case are now known to the world and will arouse the devout Christians of a nation whose prayers ascend in gratitude for the courage of the State of Tennessee; and Mr. Darrow's attitude will also compel the Christians who take sides with him to explain to their Christian brothers why they defend a doctrine that strikes at the root not only of Christianity but of civilization.

"Do they know what evolution means? If so, do they prefer it to the Bible?"

After reading Mr. Bryan's statement, Mr. Darrow issued this reply:

"Before the trial of this case I had no idea that there was only one interpretation of religion in the world. Christianity has had in its ranks thousands of able and intelligent men in all the countries of the world, but these are now all satisfied, and Mr. Bryan is to be the one and only judge of what the Bible and Christianity means.

"The theory of evolution as a scientific theory was only announced about seventy years ago, and since that time it has been accepted by almost every scientist in the world. It is true that how evolution came about has always been a matter of discussion and investigation by scientific men, but none of them questioned the truth of the theory.

"The believers in evolution are by no means confined to heretics, for the realms of religion and science are entirely sep-

arate. Among the most prominent evolutionists of the world are multitudes of men in high standing in all the Christian churches. All of these are pronounced heretics by Mr. Bryan.

"No doubt the law of life, through all the past, has been cruel. As the great naturalist, Fabre, says: 'Each man is in turn a guest and a dish. Life lives upon the vegetable world and upon the animal world. Different forms of life kill and devour each other. This is the law of nature, and nothing can change it. And Christianity has not yet succeeded in taking barbarism out of the world.'

"We have just emerged from a great war, where Christians have been busy killing each other, a war which shed an ocean of blood that was not even dreamed of on the earth before. Not only this, but ministers of all sorts were each praying that their side might succeed, and seeking to align God with their cause.

"Man has a bloody past, and he has a bloody present. What his future will be cannot safely be prophesied.

"It is perfectly plain that the scientist is as kind and humane and tolerant as the fundamentalist. In fact, no one ever heard a scientific man who ever sought to call the aid of the law to enforce belief in his theories. The scientific man has always welcomed the fullest investigation, and he himself has been the first to consider the way over objection, and modify and change his theory to conform to the facts.

"Men's religious views are involved in this prosecution. It is true that on the subject of God and immortality I am willing to confess that I am an agnostic. I do not know. I fancy that this is a much higher position than that of Mr. Bryan, who says that God was made in his image, and is sure that this is true. It is hard to understand how an intelligent man can believe that a photograph of a human being needs only to be enlarged to give us a picture of God. On this subject I am not agnostic. I do not believe it; but, as to the first cause and the power that is at the heart of the universe, it seems to me that most men must confess that they do not know.

"It is true also that I believe that man is largely, if not entirely, controlled by forces back of him and around him. I hope this has made me more understanding of my fellow-men and more kindly and charitable to them. However, this idea is not so far removed from that of the founder of Mr. Bryan's

sect, John Calvin, who believed that man was predestined for ages to do exactly what he did.

"I have no desire to have the Christian world give up its belief in God or its Bible, but at least a very large portion of the Christian world do not regard the Bible as a book of science.

"Whether man should be proud of his ancestry is not a question for science, so long as one is interested in the truth, and no one needs to seek the truth unless he wants to find it.

"The scientists think that it is more to man's credit to believe that he began with a lower form of life than to believe that he was made out of hand from dust; every animal form is higher than dust.

"The scientist does not believe that man has ever fallen, but that he has steadily grown forward. It is the Fundamentalist only that believes man was once perfect and that he afterward fell.

"I did object to daily praying in court. Praying is rare in court, even in the South. I objected to it because of the peculiar situation wherein Mr. Bryan had sought to make this trial a contest between religion and science. I thought, of all cases, this was one where the court should stand perfectly free from bias. Even the Judge who presides had not followed the regular habit of opening court with prayer until this case arose.

"We are interested in two things: First, that a higher court shall pass upon this case, and second, that in other States, those who wish to pursue truth shall be left free to think and investigate and teach and learn.

"We know that the great majority of the intelligent Christians do not accept the literal interpretation for the whole Bible. We have learned here, both from laymen and clergymen, that a large part of the Fundamentalists do not accept it. This doctrine is a doctrine of the literalists, and we are perfectly satisfied that the majority of the Christian Church has long since passed beyond that."

On Sunday, while Mr. Hays remained at the Mansion, where the scientists were preparing their statements for the defense, Mr. Darrow lectured on Tolstoy before the Young Men's Hebrew Association of Chattanooga, and Mr. Bryan was telling an open air meeting in Sequatchie Valley, twenty miles from

Dayton, that the trial had gone far enough "for us to uncover a gigantic conspiracy among atheists and agnostics against the Christian religion," adding:

"The brute standards they advocate would rob man of his high standards and drag him down to the brute basis. Evolution is a stagnant pool, the center of disease and death, and revealed religion is a flowing spring, giving forth all the time that which refreshes and invigorates."

Mr. Scopes enjoyed a Sunday dip in the swimming hole, and later told the newspapermen that teaching was not a free life in the country districts; nor had teaching science been his only offense in Dayton. He had found out that the Fundamentalists had not liked his smoking cigarettes and dancing. But he had found the younger generation eager to learn. His schedule gave him two idle hours a week, during which he worked in the laboratory. At such times "the room would be crowded with boys, and we had really intelligent discussions."

Naturally, he said that after the trial he would leave Dayton. His place in the high school would not be for him any longer, and several persons in various parts of the country had already applied for it.

"Those back of the anti-evolution law," he said, "will find their purpose defeated. It has done more to make the people think about science and religion than anything else could possibly have done. These people are all right. They're intelligent, too, but uninformed."

XIV

SCIENCE ON GOD AND EVOLUTION

THE week had been filled with exciting and unexpected events; but the nation, which had followed avidly each new turn of affairs, was destined for an even greater surprise than it had yet experienced.

On Monday morning, early telegrams from Dayton carried the news that Clarence Darrow had been cited in contempt of court.

In ordering Mr. Darrow to show cause why he should not be held in contempt, Judge Raulston read from Friday's record:

JUDGE RAULSTON—I hope, Colonel, you don't mean to reflect on the Court.

MR. DARROW—Your Honor has the right to hope.

Judge Raulston believed Mr. Darrow had offended against the dignity of "the great State of Tennessee, the Volunteer State," and had struck at the pillars of "good society" everywhere. Mr. Darrow was held in $5,000 bail.

In the afternoon Mr. Darrow apologized to the Court. He had had no intention of derogating the State of Tennessee nor one of its courts, and he regretted the incident. The Judge replied:

"If this little incident had been personal between Colonel Darrow and myself, it would have been passed by unnoticed, but when a judge speaks from the bench, or acts from the bench, his acts are not personal, but are part of the machine that is a part of the great State where he lives. I could not afford to pass these words by without notice, because to do so, would not do justice to the great State for which I speak.

"I am proud of Tennessee. I think Tennessee is a great State. It has produced such men as James K. Polk, and such men as 'Andy' Jackson, so I feel that we must preserve the good name of this State that has produced such great men.

"We have had another man who lived in Tennessee; I believe he is dead now. He was a poet and wrote these words:

"'Dost thou behold thy lost youth, all aghast,
Or dost thou reel from Retribution's righteous blow?
Then turn from the blotted archives of the past,
And find the future pages white as snow.
Art thou a mourner? Rouse thee from thy spell;
Art thou a sinner? Sin may be forgiven;
Each day gives thee light to lead thy feet from Hell.
Each night a star to lead thy feet to Heaven.'

"My friends and Colonel Darrow, the Man whom I believe came into the world to save men from sin, the Man who died on the cross that man might be redeemed, taught that it was godly to forgive, and were it not for the forgiving nature of God Himself I would fear for man.

"The Saviour died on the cross, pleading with God for the men who crucified Him. I believe in that Christ, I believe in those principles.

"I accept Colonel Darrow's apology. I am sure his remarks were not premeditated. I am sure that if he had had time to have thought and deliberated he would not have spoken those words. He spoke those words perhaps just at a moment when he felt that he had suffered perhaps one of the greatest disappointments of his life, when the Court had held against him.

"Taking that view of it, I feel that I am justified in speaking for the people of the great State that I represent, when I speak as I do, to say to him that we forgive him and we forget it, and we commend him to go back home and learn in his heart the words of the Man who said: 'If you thirst unto Me, I will give thee life.'"

The Judge and Mr. Darrow shook hands, and the spectators applauded.

The statements of scientists who, by the Court's ruling, had not been permitted to testify before the jury, were now read into the record for purposes of appeal by the defense. These statements comprised an outline of the theory of evolution and a discussion as to its consonance with religious faith and belief in God. All the scientists were in accord in the conviction that the cause of education would be greatly impaired, if the evolutionary hypothesis were excluded from the schools and colleges.

Dr. Kirtley F. Mather, chairman of the department of geology at Harvard University.

Dr. Mather's statement was introduced as coming from a student of the Bible, lecturer to Bible students at the Boston University School of Religious Education, member of the Baptist Church at Newton Center, Mass., and teacher of the Mather Class in its Bible school. Professor Mather said that evolution was "not a power, not a force," but "a process, a method." God was "a power, a force"; He necessarily uses processes and methods in displaying His Power and exerting force.

Not one of the facts of evolution "contradicts any teaching of Jesus Christ known to me," his statement read. "None could, for His teachings deal with moral law and spiritual realities. Natural science deals with physical laws and material results. When men are offered their choice between science, with its confident and unanimous acceptance of the evolutionary principle on the one hand, and religion, with its necessary appeal to things unseen and unproven on the other, they are more likely to abandon religion than to abandon science.

"If such a choice is forced upon us the churches will lose many of their best educated young people, the very ones upon whom they must depend for leadership in the coming years.

"Fortunately such a choice is absolutely unnecessary. To say that one must choose between evolution and Christianity is exactly like telling the child as he starts for school that he must choose between spelling and arithmetic. Thorough knowledge of each is essential to success—both individual and racial—in life.

"Good religion is founded on facts, even as the evolutionary principle. A true religion faces the facts fearlessly, regardless of where or how the facts may be found. The theories of evolution commonly accepted in the scientific world do not deny any reasonable interpretations of the story of Divine creation as recorded in the Bible. Rather they affirm that story and give it larger and more profound meaning.

"This, of course, depends upon what the meaning and interpretation of the stories are to each individual. I have been a Bible student all of my life, and ever since my college days I have been intensely interested in the relations between science and the Bible.

"It is obvious to any careful and intelligent reader of the Book of Genesis that some interpretation of its account must be made by each individual. Very evidently, it is not intended to be a scientific statement of the order and method of creation.

"In the first chapter of Genesis we are told that man was made after the plants and the other animals had been formed, and that man and woman were both created on the same day.

"In the second chapter of Genesis we read that man was formed from the dust of the ground before plants and other animals were made; that trees grew until fruit was upon them; that all the animals passed in review before man to be named, and then, after these events, woman was made.

"There is obvious lack of harmony between these two Biblical accounts of creation so far as details of process and order of events are concerned. They are, however, in perfect accord in presenting the spiritual truth that God is the author and the administrator of the universe, and that is the sort of truth we find in the Bible.

"It is a textbook of religion, not a textbook of biology or astronomy or geology. Moreover, it is just exactly the Biblical spiritual truth concerning God which rings clearly and unmistakably through every theory of theistic evolution. With it, modern science is in perfect accord.

"There are a number of reasons why sincere and honest Christians have recently come to distrust evolution. . . . Too many people who loudly proclaim their allegiance to the Book, know very little about what it really contains.

"The Bible does not state that the world was made about 6,000 years ago. The date 4004 B.C., set opposite Genesis 1:1 in many versions of the Bible, was placed there by Archbishop Usher only a few centuries ago. It is a man's interpretation of the Bible; it is in the footnotes added recently; it is not a part of the book itself.

"Concerning the length of earth history and of human history, the Bible is absolutely silent. Science may conclude that the earth is 100,000,000 or 100,000,000,000 years old; the conclusion does not affect the Bible in the slightest degree. Or, if one is worried over the progressive appearance of land, plants, animals, and man on the successive six days of a 'Creation Week,' there is a well-known Biblical support for the scientists' con-

tention that eons rather than hours elapsed while these things were taking place.

" 'A day in the sight of the Lord is as a thousand years, and a thousand years as a day.' [1]

"Taking the Bible itself as an authority dissipates many of the difficulties which threaten to make a gulf between religion and science.

"The fact that the seventh day was stated to be a day of rest has no bearing upon the length of other days. I have no doubt that the man who made that chapter of Genesis had in his mind days of twenty-four hours each, but I reserve for myself the right to make my own interpretation of the meaning of words, as does every Christian, trivialist or modernist. . . .

"We believe we have a more accurate and a more deeply significant knowledge of our Maker today than had the Hebrew Patriarchs who thought a man could hide from God in a garden,[2] or who believed that God could tell man an untruth.[3]

"There is the widespread misconception that if one accepts the evolutionary process as the method which God used, he will find himself in a moral dilemma. Regardless of sect or creed, all followers of Christ must accept His teaching that the law of life is love, that service to others is the true guiding principle, that self-sacrifice, even to death, is the best trait a man can display.

"To many, evolution means the survival of the fittest in the struggle for existence; and that is taken to imply that the selfish triumph, the most cruel and bloodthirsty are exalted, those who disregard others win. . . .

"Here is a real reason for opposition to evolution; men are not driven from it by the fear of discovering that their bodies are structurally like those of apes and monkeys; it does not bother us to discover that we are mammals. . . . It does not bother us to find the implication that the law of progress has apparently been opposed to the love of Christ, but here are the facts:

"It has been my privilege as a geologist to read the records in the rocks; knowing the ages of rocks has led to better knowl-

[1] Psalm 90:4.
[2] Genesis 3:8.
[3] Genesis 2:17.

edge of the Rock of Ages; I have watched the procession of life on the long road from the one-celled bit of primitive protoplasm to the present assemblage of varied creatures, including man.

"At times of crisis in the past it was rarely selfishness or cruelty or strength of talon and of claw that determined success or failure. Survival values at different times have been measured in different terms.

"Ability to breathe air by means of lungs rather than to purify the blood by means of gills meant success in escaping from the water to the land. Love of offspring and tender care for the young gave the weak and puny mammals of long ago the ability to triumph over much stronger and more powerful reptiles like the dinosaur.

"Especially in the strain that leads to man can we note the increasing spread of habits of coöperation, of unselfishness, of love. The survival of the 'fit' does not necessarily mean either the survival of the 'fittest' or of the 'fightingest.' It has meant in the past, and I believe it means today and tomorrow, the survival of those who serve others most unselfishly.

"Even in evolution is it true that he who would save his life must lose it. Here, if nowhere else, do the facts of evolution lead the man of science to stand shoulder to shoulder with the man of religion.

"Another difficulty arises from our present limitations of knowledge. If man has evolved from other forms of animal life by the continuous process of evolution, it is asked how can there be any difference between him and them? How can we believe that he has an immortal soul?

"Again, the appeal to facts makes it clear that somehow out of the continuity of process real differences have emerged. When the cow pauses on the hillside to admire the view, when the dog ceases to bay at the moon in order to construct a system of astronomy, then and not till then will we believe that there are no differences between man and other animals. . . .

"Knowledge and mystery exist side by side; mystery does not invalidate the facts. Men of science are working on those very problems. They have not learned—and may never learn how God breathed a living soul into man's body.[1] If they should

[1] Genesis 2:17.

discover that process, and the method used, God will still be just as great a power.

"'In the image of God'[1] cannot refer to hands or feet, heart, stomach, lungs. That may have been the concertion of Moses. It certainly was not the conception of Christ, who said that God is spirit and proclaimed that man must worship him in truth.[2] It is man's soul, his spirit, which is patterned after God the spirit.

"It is the business of the theologian, not the scientist, to state just when and how man gained a soul. The man of science is keenly interested in the matter, but he should not be blamed if he cannot answer questions here. . . .

"Men of science have as their aim the discovery of facts. . . . After they have discovered truth, and not till then, do they consider what its moral implications may be. Thus far, and presumably always, truth, when found, is also found to be right, in the moral sense of the word.

"Men of religion seek righteousness; finding it they also find truth. The further along the two avenues of investigation the scientist and the theologian go, the closer together they discover themselves to be.

"Already many of them are marching shoulder to shoulder in their endeavor to combine a trained and reasoning mind with a faithful and loving heart in every human individual and thus to develop more perfectly in mankind the image of God. Neither the right kind of mind nor the right kind of heart will suffice without the other. Both are needed, if civilization is to be saved.

"As Henry Ward Beecher said, forty years ago, 'If to reject God's revelation of the Book is infidelity, what is it to reject God's revelation of Himself in the structure of the whole globe?' With that learned preacher men of science agree when he stated that 'the theory of evolution is the working theory of every department of physical science all over the world.'

"Withdraw this theory, and every department of physical research would fall back into heaps of hopelessly dislocated facts, with no more order or reason or philosophical coherence than exists in a basket of marbles, or in the juxtaposition of the mul-

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[1] Genesis 1:27.
[2] John 4:24.

titudinous sands of the seashore. We should go back into chaos if we took out of the laboratories, out of the dissecting rooms, out of the field of investigation, this great doctrine of evolution. . . .

"In the very oldest rocks which have yet been discovered, which are at least 100,000,000 years old, there are absolutely no traces whatsoever of any animal or plant life. In somewhat younger rocks, but rocks also referred to the oldest era of geologic history, the Archeozoic Era, there are remains of one-celled plants of the type known as algae.

"The next era of earth history has been named the Proterozoic. In rocks formed during that era, there are a very few fossils of lowly types of shell-bearing animals and some rather obscure markings which are probably in part due to the presence of worms and in part represent the remains of sea weeds. The rocks of those two oldest eras are nearly everywhere very much distorted and broken by volcanic activity and crystal upheavals.

"Upon these ancient formations there rest in orderly succession the layers deposited during the several periods of time which geologists group into what is called the Paleozoic Era, which began at least 50,000,000 years ago. Most of the rocks of Tennessee were laid down during that long space of time. In this state, as elsewhere, these strata are known at many places to contain a great abundance of fossils. In the oldest rocks of that era, the fossils are of many and various invertebrate animals, many of which are of kinds not known to exist anywhere on the face of the earth today.

"There are no fossils of animals which had a backbone of any sort in any of these rocks. . . . The oldest known forest, composed of trees of fern-like rather than of seed-bearing types, was found a few years ago in New York in rocks formed about at the middle of this Paleozoic Era. That was the time when fishes ruled the water, for remains of sharks and lung fishes are present in great numbers in the rocks formed in the seas.

"Toward the end of the Paleozoic Era, however, the rocks formed of desert sands and swamp contain the footprints and petrified bones of amphibians and reptiles, the first animals with a backbone which could breathe air by means of lungs. This

part of the paleozoic system of rocks includes the coal seams of the Eastern states, and associated with the coal are many beautiful specimens of ferns and primitive evergreen trees, but none of the modern types of flowering plants. About at the close of the Paleozoic Era the Appalachian Mountains were formed by the crumpling of the earth's crust in this region.

"That episode of crustal crumpling is taken as the milestone to mark the end of the Paleozoic and the beginning of the Mesozoic Era, which began at least 25,000,000 years ago. Since that time Tennessee and neighboring States have, with minor exceptions, remained continually above sea level, so that we have to transfer our search to other localities to find the continuation of the fossil record.

"The Mesozoic Era, the fourth great era of earth history, is frequently referred to as the age of reptiles. In practically all the stratified rocks of this era there are petrified bones and footprints which tell that cold-blooded, scaly animals with back bones and four limbs lived in great numbers on land, in the sea and in the air. The largest and most ferocious animals that ever inhabited the lands left their bones among the fossils of that era. Animals with enough feathers to enable them to fly, yet with claws on their forelegs and teeth in their jaws, lived then and indicate the transition forms between reptiles and birds.

"In the same rocks with these reptiles, most of which have long since vanished from the face of the earth, a very few fragments of quite primitive mammals have been found. These were small and insignificant creatures, most of whom laid eggs, as do a couple of species of small mammals today, but who suckled their young, were warm-blooded and presumably had no scales as surface covering.

"Observing the earth at that time one could not help but feel that no good could possibly come from that welter of blood-thirstiness and cruelty, yet the small minority of puny mammals present then was so endowed with instinct such as parental love for offspring, that at the end of Mesozoic time it became the dominant form of life on land, while the few reptiles which did not become extinct were for the most part banished to the swamps and deserts.

"The close of the Mesozoic time, the age of reptiles, was marked by the upheaval of the Rocky Mountains. In a small

fraction of the time that has elapsed since then the entire Grand Canyon of the Colorado River has been carved by the ceaseless wear of running water. For this and many other reasons geologists believe that each of these eras of time should be measured in terms of tens of millions of years.

"The Cenozoic era, which began 5,000,000 or 10,000,000 years ago, began as the Rocky Mountains were formed. Most of the rocks of that era are still unconsolidated layers of silt or sand or volcanic ash, although some are firmly cemented into sandstone, limestone, etc.

"In the earliest beds deposited around the flanks of the new born mountains of the Western States the bones of a great variety of mammals have been found. They are evidently the improved offspring of the puny mammals which had lived in constant fear of the ponderous reptiles during the preceding era.

"The first flowering plants had left their leaves and seed pods in the rocks formed during the middle of the Mesozoic era. But grasses and herbs, fruit and nut-bearing trees were not numerous until the beginning of the Cenozoic Era.

"With an abundance of the right kind of plant food and freed from reptile dominion, the mammals increased rapidly in numbers, and their bones in great variety may today be seen in the rocks of the Rocky Mountains and other regions.

"Among those of the early Cenozoic strata may be mentioned the five-toed and four-toed ancestral horses, the trunkless and small-tusked ancestral elephant, the catlike forerunners of the modern seal.

"At that time, too, we find the first record of a primate—that order of mammals to which the zoologists refer as man. This was evidently a small quadruped with toes terminated neither in hoofs nor claws, but with rather horny nails and with teeth adapted neither for grinding grain like those of a horse, nor for tearing flesh like those of a tiger, nor for gnawing nuts like those of a squirrel, but like those of a man for eating herbs, fruits, and eggs. But in general appearance this creature resembled a rat much more closely than a monkey, ape, or man. Bones of that lowly type of primate have been found in North America, Asia, and North Africa.

"Somewhat higher in the series of Cenozoic strata of India there was recently found a fragment of jaw which had teeth

totally different from those of any non-primate, somewhat different from those of a monkey and closely resembling those of the great apes and man. That animal lived somewhere between 2,000,000 and 10,000,000 years ago. He is believed to have been ancestral to the apes, chimpanzees, gorillas, and mankind, all of which had by that time become completely differentiated from the monkey strain. If that be true, man has become distinct from the other anthropoids since that creature left his bones on the banks of an Indian stream.

"Narrowing our attention now to the strain that leads to man, the next fossil of significant interest is that known as the Ape Man of Java. The skull of this animal had brain capacity somewhat greater than that of the most brainy apes now living and somewhat less than that of the smallest brained human tribe. He had a receding forehead, and a heavy ridge of bone above his eyes like an adult chimpanzee, yet his leg bones show unmistakably that he stood and walked erect upon his hind limbs. The name Ape Man describes him exactly; he was truly intermediate in body structure between the apes and man. He lived 1,000,000 or 2,000,000 years ago.

"In rocks of just about that same age in England there have been found crudely fashioned flint implements, unmistakably shaped by some intelligent creature with hands so developed as to be capable of holding a stone and striking it with another stone. Modern apes have been observed to hold clubs in their clumsy hands, but none of them can at will touch his thumb against the tip of each finger on the same hand. Presumably the creature who chipped the flints found in those rocks near Foxhall, England, could do so.

"Then came the first of the great glacial advances of the Ice Age, about 1,000,000 years ago. Five times the Northern lands were buried beneath a mantle of moving ice. Five times the ice melted until the glaciers were at least as small as those now remaining on Greenland and in the valleys of Alaska.

"In the gravels deposited in Germany by the rivers flowing from the melting ice of either the first or the second of these interglacial intervals there has been found the jaw of the so-called Heidelberg man. The jaw resembles that of modern man; its sides are nearly parallel; the canine teeth are only a

little higher than the incisors and molars. But it has no chin at all, and the portion of the jawbone which articulates with the skull just in front of the ears looks considerably like the equivalent portion of an ape's jaw. Scientists classify that creature as a member of the same genus to which modern man belongs, but as a different species.

"Gravels of later interglacial stages have revealed the bones of still another extinct species even closer to modern man. More than a score of practically complete skeletons and hundreds of fragmentary bones of this, the Neanderthal man, have been found in France, Spain, and Germany.

"It is chiefly in the characters of the skull rather than in the other bones of the skeleton that he differs from modern man. His forehead was very receding, his brain capacity was just a little less than that of the most primitive of existing savage tribes, his brow ridges were more prominent than those of the negro, his chin was approximately half way between the chinless profile of the Heidelberg man and the clearly defined chin of the white race of today. With his petrified bones there are frequently found the stone spearheads and stone knives which he fashioned. To this array of facts concerning him I want to add just one inference.

"Many skulls of the Neanderthal type were broken when found, as though struck with a hammer on top of the head either at the moment of death or very shortly thereafter. Several tribes of the aborigines in recent years break the skulls of their dead in order, as they say, to permit the spirit to start on its journey to the happy hunting ground. The inference is that the Neanderthal men, a couple of hundred thousand years ago, had the same thought that man was immortal.

"During the last of the glacial stages, about the same time that the ice pushed southward across Ohio and Indiana to the Ohio River, 40,000 or 50,000 years ago, there lived in Southern Europe a race of men known as the Cro-Magnons. They were stalwart highbrows with prominent chins and large brain capacity, and eyebrow ridges no more protruding than those of the existing white race, but with massive cheekbones like the North American Indian.

"Clearly they belonged to the same species as that which

today includes the white, yellow and brown and red races, but they cannot be included in any of these races. Their implements were much better manufactured than those of their predecessors, the Neanderthal men, and they had a remarkable artistic ability as shown by the pictures they engraved or painted on the walls of caves in Southern France. For thousands of years they maintained their life in Europe, but about 10,000 years ago they were displaced by the first members of the races of mankind which are today in existence.

"During all this time no known record of the presence of man or man-like creatures was left in either North or South America. Not until the ice sheets of the latest glacial episode had dwindled nearly to disappearance was any clear indication of man's presence left in the new world. The oldest human inhabitants of North America were members of the existing races of mankind. They reached this continent not more than 10,000 or 12,000 years ago. . . .

"Comparing the body structure of monkeys, apes, and man, it is apparent that they are all constructed upon the same plan; with only trivial exceptions, every one in the body of one has its counterpart in the body of the other. . . .

"Such facts as I have stated can be explained only by the conclusion that man has been forced through long processes of progressive development, which when traced backward through successively simpler forms of life, each living in more remote antiquity, lead unerringly to a single primordial cell. . . .

"The inference is unmistakable that the material substances from which living cells were first constructed were previously present among the rocks and minerals of the earth. But life is something more than matter. Living creatures are characterized by vital energy, something about which we really know very little.

"I believe that life as we know it is but one manifestation of the mysterious spiritual power which permeates the universe. The geologic factors assembled in the primitive earth provided an environment within which the spiritual could manifest itself in the material. The form which it should assume may have been largely determined by that environment; the primitive cell was the result. Thus, in truth, was man made from the dust of the earth."

Prof. Horatio Hackett Newman, zoologist of the University of Chicago.

That the principle of evolution stands in the first rank among natural laws, not only in its range of applicability, but also in the degree of its validity, the extent to which it may lay claim to rank as an established law, was declared by Professor Newman. He added that evolution depends for its validity, not upon conjecture or philosophy, but upon exactly the same sorts of evidence as do other laws of nature.

One must choose between evolution as the philosophy of change as opposed to the philosophy of fixity and unchangeability.

"Once admit a changing world," he said, "and you admit the essence of evolution."

Vast numbers of biological facts had been examined in the light of evolution, and without a single exception they had been found to be entirely compatible with that principle.

"If man were created 6,000 years ago, as the special creationists argue, evolution must have gone on at a rapid rate to produce such widely different races, as only 120 generations have occurred in that time," he added. "The oldest fossils of extinct man go back about 100,000 years, while the earliest remains of homo sapiens, the Cro-Magnon man, go back only 25,000 years.

"As the age of the earth has been estimated as a billion years from the time it attained its present diameter, and life has existed on it not less than 50,000,000 years, the development of man represents a very short interval in the life of the earth.

"The records of changes that have taken place in the past are indirect, but are written on the rocks, in the anatomical details of modern species, in the development of animals and plants, in their classification, and in other geographic distribution; but evidences that species are changing today are direct, and the discovery that they are changing today is evidence that they have changed in the past.

"When we admit that the evidences of past evolution are indirect and circumstantial, we should hasten to add that the same is true of all other great scientific generalizations.

"Think what a sensation in the scientific world might be created if some one were to discover even one well authenticated fact that could not be reconciled with the principle of evolution.

"No other explanation of biological phenomena has ever been offered to the public. To revert to the thoroughly discredited and unscientific idea of special creation would be as utterly impossible as to revert to the ancient geocentric conception of the universe, according to which a flat earth was supposed to occupy the centre of the universe and the sun, moon and stars to revolve about it.

"A careful study of the situation reveals that the entire fabric of evolutionary evidences is woven about a single broad assumption—that fundamental structural resemblance signifies blood relationship; that, generally speaking, the closeness of structural resemblance runs essentially paralleled with closeness of kinship.

"There are, according to Wiedersheim, no less than 180 vestigial structures in the human body, sufficient to make of a man a veritable walking museum of antiquities. Among these are the vermiform appendix; the abbreviated tail with its set of caudal muscles; a complicated set of muscles homologous with those of other animals for moving their ears, but practically functionless in all but a very few men; a complete equipment of scalp muscles used by other animals for erecting the hair, but of very doubtful utility in man, even in the rare instances when they function voluntarily; gill slits in the embryo, the homologues of which are used in aquatic respiration; miniature third eyelids, functional in all reptiles and birds, greatly reduced or vestigial in all animals; the lanugo, a complete coating of embryonic down or hair, which disappears long before birth and can hardly serve any useful purpose while it lasts.

"These and numerous other structures can be reasonably interpreted as evidence that man has descended from ancestors in which these organs were functional. Man has never completely lost these characters; he continues to inherit them, though he no longer has any use for them. Heredity is stubborn and tenacious, clinging persistently to all that the race has once possessed.

"The somewhat puerile argument of the anti-evolutionist that these vestigial structures play some useful though unknown rôle, else they would never have been created, cannot seriously be entertained in this case, for what can they make of the fact that some whales entirely lack these structures?"

Professor Newman then discussed the connecting links between species and said that without evolution as a guiding principle "comparative anatomy would be a hopeless mass of meaningless and disconnected facts."

"There is no greater difficulty in connection with the classification of man than in that of any other living species," he continued. "Indeed, there are scores, even hundreds of species, whose exact affinities with other groups are far less obvious than those of the human species.

"Anatomically, the genus homo bears a striking resemblance to the anthropoid apes. Bone for bone, muscle for muscle, nerve for nerve, and in many special details, man and the anthropoid apes are extremely similar. Homologies are so obvious that even the novice in comparative anatomy notes them at a glance.

"Man in many degrees is closer anatomically to the great apes than the latter are to the true monkeys, yet the special creationists insist upon placing man in biological isolation as a creature without affinities to the animal world."

He said that blood tests had proved man to be a blood relation of the anthropoid apes, a distant relative of the Old World monkeys and a more distant relative of the New World monkeys, but that the tests had shown no reaction with the blood of lemurs.

"The embryology of man is now pretty thoroughly known in spite of the great difficulty of obtaining the early stages," he continued. "Step by step, it is almost precisely like that of other primates, especially like that of the anthropoids, and it is only in the latest stages it takes on distinctly human characteristics.

"So close a resemblance in developmental histories is found only in species that are members of the same ancestral stock, for they have both inherited the characteristic features of their development from their common ancestors."

Summarizing the evidences of organic evolution, Professor Newman concluded that "all of the lines of evidence presented point strongly to organic evolution, and none are contrary to this principle. Most of the facts, moreover, are utterly incompatible with the only rival explanation, special creation. Not

only do these evidences tell a straightforward story of evolution, but each one is entirely consistent with all of the others."

Dr. Jacob G. Lipman, director of the New Jersey Agricultural Station.

Dr. Lipman said that a direct relation might be traced between soils, plants, and animals in the evolution of organic life.

"Today, like many millions of years ago," he said, "bacteria are busy creating conditions necessary for the growth of plants and animals. Bacteria are responsible for the circulation of carbon and nitrogen in nature. The material of plant and animal bodies is used over and over again and processes of decay must go on in order that the carbon, nitrogen, sulphur, phosphorus, and other elements, locked up in the bodies of plants and animals, may be released for the development of countless generations of living things. . . .

"One may properly speak of the genesis of soil, as one would speak of the genesis and evolution of plants and animals. Man has learned to use this knowledge to improve his condition, and in following the laws laid down by the Divine Creator, he has been able to fashion more perfect forms of plant and animal life.

"The story of genetics, which deals with the principles of plant and animal breeding, is full of interest. It has to its credit more perfect flowers, fruit of higher yielding qualities and better flavor, fiber crops of superior fiber, sugar crops with a greater content of sugar, crops resistent to plant diseases, crops suitable for dry climate and wet climate, for sour soils and sweet soils, and in general, for a wide range of soil and climatic conditions.

"In the same way genetics has made it possible for us to improve on animals of economic importance in farming."

Dr. Maynard M. Metcalf, formerly professor of zoology at Oberlin College.

"Intelligent teaching of biology, or intelligent approach to any biological science, is impossible if the established fact of evolution is omitted," said Dr. Metcalf.

"Discussion of the methods by which evolution has been brought about is less essential, but the fact of evolution must be appreciated and the evolution point of view must be empha-

sized for any understanding of the growth of the universe, of the earth, of plants or animals; for any proper grasp of the facts of structure or function of living bodies as involved in science and medicine and in animal and plant husbandry. Psychology, whether of normal or diseased minds, must constantly remember the processes of evolution. Human societies, with their diverse customs, are unintelligible without the facts of their origins and changes, their evolution.

"God's growing revelation of Himself to the human soul cannot be realized without recognition of the evolutionary method He has chosen. Teaching in any field that deals with living things is disgracefully, yes criminally, inadequate if it omits emphasis upon evolution.

"The fact of evolution—of man, of all living things, of the earth, of the sun, of the stars—is as fully established as the fact that the earth revolves around the sun. Change, growth, evolution, is a fundamental, a pivotal truth in all nature. Those familiar with the phenomena of nature testify with unanimity to this.

"The great mass of evidence of different sorts from different sources, when once seen, is overwhelmingly convincing to any normal, human mind. It can be only the uninformed who fail to accept evolution as a fact established beyond doubt.

"On the other hand, there is great uncertainty as to the method by which evolution has been brought about. Many different factors have been in operation; among them probably the chief has been the mysterious intimate activities of the living substance itself about which as yet we know so little. As to the numerous 'causes' of evolution and their relative importance, there are about as many varieties of opinion as there are students of evolution.

"None of this, of course, has any bearing upon the question of God as the creator of the universe. It is only a matter of the method He has chosen in creation—whether immediate fiat or gradual growth accompanied by divergence. The evidence is overwhelming that the latter was and is His method.

"God is just as truly and just as intimately acting in the gradual growth of a plant from a seed or of a man from a fertilized egg as He would be in creating the full grown plant or man all at once in a thousandth part of a second of time.

"There is no conflict, no least degree of conflict, between the Bible and the fact of evolution, but the literalist interpretation of the words of the Bible is not only puerile,—it is insulting, both to God and to human intelligence.

"But the fundamentalist would do much worse than insult God. He is, in reality, although he doesn't realize this, trying to shut men's minds to God's ever-growing revelation of Himself to the human soul. He teaches, in effect, that God's revelation of Himself was completed long ago, that He long ago ceased to unfold his mind to men in new revelation. This is evil influence, criminal, damnable.

"One of the greatest of God's revelations of Himself to men has come through His showing us His habit of producing results, by gradual growth, by evolution, rather than by immediate fiat.

"Not only has evolution occurred; it is occurring today and occurring even under man's control. If one wishes a new vegetable or a new flower it is, within limits, true that he can order it from the plant breeder and in a few years he will produce it. Hundreds of new plants and animals have been and are being produced in this way. . . .

"In the main, these evidences may be arranged in four chief groups:

"(1) The phenomena of comparative anatomy.
"(2) The phenomena of comparative embryology.
"(3) The phenomena of paleontology and geology.
"(4) The phenomena of geographical distribution.

"Much in the fields of physiology, psychology, and human cultures has very important bearing upon evolution.

"(1) We can arrange plants and animals in a double parallel series showing increasing complexity of organization.

"(2) In the development of an individual from egg to adult this individual passes through a series of stages of increasing complexity, and this individual series in one of the higher organisms strangely parallels and agrees with the racial series first mentioned.

"(3) In the fossiliferous rocks we find actual bodily remains of organisms of the past, and these form a series showing increasing complexity within each taxonomic group, the animals,

the plants in the older rocks being more simple, while the successively younger rocks show more and more complex organisms in each group under observation.

"(4) The distribution of animals and plants over the earth is such as to suggest strongly the origin of each group of animals or plants at some one place, and their gradual spread from that centre, divergent evolution occurring while they are spreading. No other suggestion even plausible, let alone convincing, has been made to explain these phenomena. Evolution is the only key we can find."

Dr. Fay Cooper-Cole, anthropologist of the University of Chicago.

Dr. Cole explained that the field of the anthropologist is man, man's body, and man's society, and thus he finds himself working side by side with the biologist and the geologist.

By his study of man's body the anthropologist knew that man closely resembled certain animals, in every bone and organ, the differences being of degree rather than kind. The animals most closely resembling man, he said, were the anthropoid apes.

"A careful study shows that they have specialized in their way quite as much as man has in his, so that while they are very similar yet it is evident that man's line of descent is not through any of these anthropoids.

"It does appear, however, that both man and other primates have a common precursor, but that the anthropoids must have branched off from the common stock in very remote times. If this is true, then we might hope to find in ancient strata of the rocks some evidences of earlier forms of men who might perhaps more closely approach the common ancestor. This is exactly the case. . . .

"Only a few points relating to man and his history have been reviewed, but enough has been said to indicate that the testimony of man's body, of his embryological life, of his fossil remains strongly points to the fact that he is closely related to the other members of the animal world, and that his development to his present form has taken place through immense periods of time.

"It seems conclusive that it is impossible to teach anthropology or the pre-history of man without teaching evolution."

Wilbur A. Nelson, State Geologist of Tennessee.

Since 1828 the study of buried animal and plant remains had been taught in Tennessee, said Mr. Nelson, and such teaching could not have been carried on through ninety-seven years "unless the teaching of evolution had been permitted by our religious ancestors, who formed this State."

"We know that originally the mouth of the Mississippi River was near Cairo, Ill.," he added, "and that all of the Mississippi Valley as we now know it, was at that time, which was the close of the Cretaceous Period, a part of a much larger Gulf of Mexico. All of west Tennessee during that time was in an extension of the Gulf of Mexico, and the fine china clay deposits of that section were laid down in shallow water at the time tropical plants flourished in that section. . .

"In connection with evolution, it is especially of interest to note that the relative ages of the rocks correspond closely to the degrees of complexity that are shown by the fossils in those rocks, the simpler organism being found in the more ancient rocks, each type of organism becoming more and more complex as we come nearer the present day, man and his fossil, cultural remains, being no exception.

"It therefore appears that it would be impossible to study or teach geology in Tennessee or elsewhere without using the theory of evolution."

Dr. Winnerton C. Curtis, professor of zoology, University of Missouri.

Dr. Curtis found that the historical fact of evolution had been attested by overwhelming evidence.

"Science has nothing to conceal," he said. "It stands strong in the strength of demonstrable facts and invites you to view the evidence.

"The course pursued by evolution is known broadly in many instances, but in the nature of the case the evidence is limited and many of the steps will remain uncertain, without, however, a calling in question of the historic fact.

"The causes of evolution present the most difficult problem of all and the one regarding which we know the least.

"Thence we turn to a discussion of Darwin's work, declaring his accomplishment was two-fold. In the first place he estab-

lished organic evolution as the only reasonable explanation of the past history of living things. Secondly, he offered in natural selection what then appeared an adequate explanation for the origin of species and hence for the causes of evolution."

Although the theory of natural selection, he said, had declined in recent years, it had not been completely replaced by any other hypothesis as to the causes of evolution.

"As a result," he continued, "there has been much discussion among scientists regarding the adequacy of what is often referred to as the Darwinian theory, meaning natural selection. In condemning selection as an inadequate explanation of the problem, biologists have often seemed to condemn evolution itself.

"It is not strange that the layman, for whom the Darwinian theory and evolution are synonymous terms, believes that evolution has been rejected when he hears that belief in Darwinism is on the wane. He does not understand that what is thus meant by Darwinism is not the historic fact of evolution but the proposed cause of evolution—natural selection. . . .

"Moreover, the evidence for man's origin is becoming clearer year by year. Comparative anatomy, embryology, classification, physiology, geographical distribution, fossils, and the existing races of mankind tell the same story for man as for the rest of the world. . . .

"If creation occurred 'at 9 a.m. on October 23, of the year 4004 B.C.,' as a part of the divine plan, it is amazing that such success should have dogged the steps of the students of human skeletal and cultural remains during the last half century.

"The skeletons in part or in whole are known for a number of sub-human races, and a vast array of implements and other remains show a progressive advancement. . . .

"Science and common sense alike inquire regarding the nature and sources of this account [the Genesis account of creation] if it be regarded as a true statement of facts. Science faces the matter squarely, desiring only the right to investigate and draw unprejudiced conclusions. The results of such investigations are not in doubt.

"It appears that the races about the eastern Mediterranean and other primitive peoples had their traditions of the origin of the world. The story in Genesis apparently descended to the

early Hebrews and to their neighbors in Mesopotamia, from a source far antedating the appearance of the Jews as a people and their sacred writings.

"Archæology and ethnology must reasonably indicate that in its origin this Hebrew Babylonian tradition may be compared with the stories of many other primitive peoples. We take the story in Genesis seriously as an account of pre-historical facts, because it is our story of creation passed down by tradition from our fathers. . . .

"But the past history of events, whether of human or animal origin, is subject for scientific inquiry and the answer of science is evolution. The great antiquity of man, the existence at an earlier period of beings, man-like, but intermediate between man and the other primates, together with the facts of man's anatomy, his embryology, his physiological reactions, even his mentality, all point to bodily kinship with the rest of living nature.

"It is not that men came from monkeys, but that men, monkeys, and apes all came from a common mammalian ancestry millions of years in the past.

"It is more reasonable to believe that the Bible is a human document representing the history of an advance from the concept of a barbarous and vengeful Jehovah of the earlier Old Testament through the God of righteousness and justice of the later prophets, and culminating in the concept of a Father as preached by Jesus of Nazareth."

Charles Hubbard Judd, dean of the School of Education, University of Chicago.

That a long process of evolution had been going on in tools, language, customs, laws, and other things directly affecting the life of man, has been proved by elaborate studies in human psychology, according to Dr. Judd.

In his judgment, it would be "quite impossible to carry on the work in most of the departments in most of the higher institutions of the State of Tennessee without teaching the doctrine of evolution as the fundamental basis for the understanding of all human institutions."

XV

MR. DARROW QUESTIONS MR. BRYAN

IN the afternoon of the seventh day, court adjourned to the lawn. All morning the crowd, anticipating what everybody assumed would be the final arguments, had been increasing. The building was in danger of collapsing, and since the radio microphone and loud speaker had been taken away, Judge Raulston moved to a platform built against the courthouse wall so that all might hear. Here, under the maple trees, Mr. Bryan had preached a week before. Now the benches spread over the lawn were crowded again. It was another hot day, with coats the exception and galluses the rule. Mr. Darrow's galluses were blue, over a blue shirt.

Unexpectedly, Mr. Darrow called Mr. Bryan as a witness for the defense. Against the repeated objections of Mr. Stewart, who was about ready to exercise his right to *nolle prosse* the case, Mr. Darrow questioned Mr. Bryan for two hours.

MR. DARROW—You have given considerable study to the Bible, haven't you, Mr. Bryan?

MR. BRYAN—Yes, sir, I have tried to.

MR. DARROW—Well, we all know you have; we are not going to dispute that at all. But you have written and published articles almost weekly, and sometimes have made interpretations of various things?

MR. BRYAN—I would not say interpretations, Mr. Darrow, but comments on the lesson.

MR. DARROW—If you commented to any extent, those comments have been interpretations?

MR. BRYAN—I presume that any discussion might be to some extent interpretations, but they have not been primarily intended as interpretations.

MR. DARROW—But you have studied that question, of course!

MR. BRYAN—Of what?

MR. DARROW—Of interpretation of the Bible?

MR. BRYAN—On this particular question?

MR. DARROW—Yes, sir.

MR. BRYAN—Yes, sir.

MR. DARROW—Then you have made a general study of it?

MR. BRYAN—Yes, I have. I have studied the Bible for about fifty years, or some time more than that. I have studied it more as I have become older than when I was but a boy.

MR. DARROW—Do you claim that everything in the Bible should be literally interpreted?

MR. BRYAN—I believe everything in the Bible should be accepted as it is given there. Some of the Bible is given illustratively. For instance: "Ye are the salt of the earth."[1] I would not insist that man was actually salt, or that he had flesh of salt, but it is used in the sense of salt as saving God's people.

MR. DARROW—But when you read that Jonah swallowed the whale—or that the whale swallowed Jonah, excuse me, please—how do you literally interpret that?

MR. BRYAN—When I read that a big fish swallowed Jonah—it does not say whale.[2]

MR. DARROW—Doesn't it? Are you sure?

MR. BRYAN—That is my recollection of it, a big fish; and I believe it; and I believe in a God who can make a whale and can make a man, and make both do what He pleases.

MR. DARROW—Mr. Bryan, doesn't the New Testament say whale?[3]

MR. BRYAN—I am not sure. My impression is that it says fish; but it does not make so much difference; I merely called your attention that to where it says fish, it does not say whale.

MR. DARROW—But in the New Testament it says whale, doesn't it?

MR. BRYAN—That may be true; I remember in my own mind what I read about it.

MR. DARROW—Now, you say, the big fish swallowed Jonah, and he remained—how long?—three days, and then he spewed him up on the land. You believe that the big fish was made to swallow Jonah?

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[1] Matthew 5:13.
[2] Jonah 1:17.
[3] Matthew 12:40.

MR. BRYAN—I am not prepared to say that. The Bible merely says it was done.

MR. DARROW—You don't know whether it was the ordinary mine-run of fish or made for that purpose?

MR. BRYAN—You may guess; you evolutionists guess.

MR. DARROW—But when we do guess, we have the sense to guess right.

MR. BRYAN—But you do not do it often.

MR. DARROW—You are not prepared to say whether that fish was made specially to swallow a man or not?

MR. BRYAN—The Bible doesn't say so. I am not prepared to say.

MR. DARROW—But you believe He made them—that He made such a fish and that it was big enough to swallow Jonah?

MR. BRYAN—Yes, sir. Let me add: One miracle is just as easy to believe as another.

MR. DARROW—It is for me.

MR. BRYAN—It is for me.

MR. DARROW—Just as hard?

MR. BRYAN—It is hard to believe for you, but easy for me. A miracle is a thing performed beyond what man can perform. When you get beyond what man can do you get within the realms of miracles; and it is just as easy to believe the miracle of Jonah as any other miracle in the Bible.

MR. DARROW—Perfectly easy to believe that Jonah swallowed the whale?

MR. BRYAN—If the Bible said so. The Bible doesn't make as extreme statements as evolutionists do.

MR. DARROW—The Bible says Joshua commanded the sun to stand still for the purpose of lengthening the day, doesn't it, and you believe it?[1]

MR. BRYAN—I do.

MR. DARROW—Do you believe at that time the entire sun went around the earth?

MR. BRYAN—No, I believe that the earth goes around the sun.

MR. DARROW—Do you believe that the men who wrote it thought that the day could be lengthened or that the sun could be stopped?

[1] Joshua 10:12, 13.

MR. BRYAN—I don't know what they thought.

MR. DARROW—You don't know?

MR. BRYAN—I think they wrote the fact without expressing their own thoughts.

MR. DARROW—Have you an opinion as to whether or not the men who wrote that thought——

MR. STEWART—I want to object, your Honor. It has gone beyond the pale of any issue that could possibly be injected into this lawsuit, except by imagination. I do not think the defendant has a right to conduct the examination any further, and I ask your Honor to exclude it.

JUDGE RAULSTON—I will hear Mr. Bryan.

MR. BRYAN—It seems to me it would be too exacting to confine the defense to the facts. If they are not allowed to get away from the facts, what have they to deal with?

JUDGE RAULSTON—Mr. Bryan is willing to be examined. Go ahead.

MR. DARROW—Have you an opinion as to whether—whoever wrote the book, I believe it was Joshua—the Book of Joshua—thought the sun went around the earth or not?

MR. BRYAN—I believe that he was inspired.

MR. DARROW—Can you answer my question?

MR. BRYAN—When you let me finish the statement.

MR. DARROW—It is a simple question, but finish it.

MR. BRYAN—You cannot measure the length of my answer by the length of your question. [Laughter]

MR. DARROW—No, except that the answer will be longer. [Laughter]

MR. BRYAN—I believe that the Bible is inspired, and an inspired author, whether one who wrote as he was directed to write understood the things he was writing about, I don't know.

MR. DARROW—Do you think whoever inspired it believed that the sun went around the earth?

MR. BRYAN—I believe it was inspired by the Almighty, and He may have used language that could be understood at that time.

MR. DARROW—So . . . it might have been subject to construction, might it not?

MR. BRYAN—It might have been used in language that could be understood then.

MR. DARROW—That means it is subject to construction?

MR. BRYAN—That is your construction. I am answering your questions.

MR. DARROW—Is that correct?

MR. BRYAN—That is my answer to it.

MR. DARROW—Can you answer?

MR. BRYAN—I might say Isaiah spoke of God sitting upon the circle of the earth.[1]

MR. DARROW—I am not talking about Isaiah.

JUDGE RAULSTON—Let him illustrate, if he wants to, Mr. Darrow. It is your opinion that passage was subject to construction?

MR. BRYAN—Well, I think anybody can put his own construction upon it, but I do not mean necessarily that it is a correct construction. I have answered the question.

MR. DARROW—Don't you believe that in order to lengthen the day it would have been construed that the earth stood still?

MR. BRYAN—I would not attempt to say what would have been necessary, but I know this, that I can take a glass of water that would fall to the ground without the strength of my hand, and to the extent of the glass of water I can overcome the law of gravitation and lift it up; whereas, without my hand, it would fall to the ground. If my puny hand can overcome the law of gravitation, the most universally understood, to that extent, I would not set power to the hand of Almighty God that made the universe.

MR. DARROW—I read that years ago. Can you answer my question directly? If the day was lengthened by stopping, either the earth or the sun, it must have been the earth?

MR. BRYAN—Well, I should say so: yes, but it was language that was understood at that time, and we now know that the sun stood still, as it was, with the earth.

MR. DARROW—We know also the sun does stand still?

MR. BRYAN—Well, it is relatively so, as Mr. Einstein would say.

MR. DARROW—I ask you, if it does stand still?

MR. BRYAN—You know as well as I know.

MR. DARROW—Better. You have no doubt about it?

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[1] Isaiah 40:22.

MR. BRYAN—No, no.

MR. DARROW—And the earth moves around it?

MR. BRYAN—Yes. But I think there is nothing improper if you will protect the Lord against your criticism.

MR. DARROW—I suppose he needs it?

MR. BRYAN—He was using language at that time that the people understood.

MR. DARROW—And that you call "interpretative"?

MR. BRYAN—No, sir, I would not call it interpretation.

MR. DARROW—I say, you would call it interpretation at this time, to say it meant something else?

MR. BRYAN—You may use your own language to describe what I have to say, and I will use mine in answering.

MR. DARROW—Now, Mr. Bryan, have you ever pondered what would have happened to the earth if it had stood still?

MR. BRYAN—No.

MR. DARROW—You have not?

MR. BRYAN—No. The God I believe in could have taken care of that, Darrow.

MR. DARROW—I see. Have you ever pondered what would naturally happen to the earth if it stood still suddenly?

MR. BRYAN—No.

MR. DARROW—Don't you know it would have been converted into a molten mass of matter?

MR. BRYAN—You testify to that when you get on the stand. I will give you a chance.

MR. DARROW—Don't you believe it?

MR. BRYAN—I would want to hear expert testimony on that.

MR. DARROW—You have never investigated that subject?

MR. BRYAN—I don't think I ever had the question asked.

MR. DARROW—Or ever thought of it?

MR. BRYAN—I have been too busy on things that I thought were of more importance than that.

MR. DARROW—You believe the story of the flood[1] to be a literal interpretation? When was that flood?

MR. BRYAN—I wouldn't attempt to fix the date. The date is fixed, as suggested this morning.

MR. DARROW—About 4004 B. C.?

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[1] Genesis 7.

MR. BRYAN—That has been the estimate. I would not say it is accurate.

MR. DARROW—That estimate is printed in the Bible.

MR. BRYAN—Everybody knows that—at least I think most of the people know—that was the estimate given.

MR. DARROW—But what do you think that the Bible itself says? Don't you know how it is arrived at?

MR. BRYAN—I never made a calculation.

MR. DARROW—A calculation from what?

MR. BRYAN—I could not say.

MR. DARROW—From the generations of man?

MR. BRYAN—I would not want to say that.

Mr. Stewart again objected to the examination of Mr. Bryan.

MR. DARROW—He is a hostile witness.

JUDGE RAULSTON—I am going to let Mr. Bryan control.

MR. BRYAN—I want him to have all the latitude that he wants, for I am going to have some latitude when he gets through.

MR. DARROW—You can have latitude and longitude. [Laughter]

JUDGE RAULSTON—Order.

MR. STEWART—The witness is entitled to be examined as to the legal evidence of it. We were supposed to go into the origin of this case, and we have nearly lost the day, your Honor.

MR. MCKENZIE—I object to it.

MR. STEWART—Your Honor, he is perfectly able to take care of this, but we are attaining no evidence. This is not competent evidence.

MR. BRYAN—These gentlemen have not had much chance. They did not come here to try this case. They came here to try revealed religion. I am here to defend it, and they can ask me any questions they please.

JUDGE RAULSTON—All right. [Applause]

MR. DARROW—Great applause from the bleachers!

MR. BRYAN—From those whom you call "yokels."

MR. DARROW—I have never called them yokels.

MR. BRYAN—That is, the ignorance of Tennessee, the bigotry.

MR. DARROW—You mean who are applauding?

MR. BRYAN—Those are the people whom you insult.

MR. DARROW—You insult every man of science and learning in the world because he does not believe in your fool religion.

JUDGE RAULSTON—I will not stand for that.

MR. DARROW—For what he is doing?

JUDGE RAULSTON—I am talking to both of you.

MR. STEWART—This has gone beyond the pale of a lawsuit, your Honor. I have a public duty to perform, under my oath, and I ask the court to stop it. Mr. Darrow is making an effort to insult the gentleman on the witness stand, and I ask that this be stopped.

JUDGE RAULSTON—To stop it now would not be just to Mr. Bryan.

MR. DARROW—How long ago was the flood, Mr. Bryan?

MR. BRYAN—Let me see Usher's calculation about it.

MR. DARROW—Surely. [Handing a Bible to the witness]

MR. BRYAN—I think this does not give it.

MR. DARROW—It gives an account of Noah. Where is the one in evidence? I am quite certain it is there.

MR. BRYAN—Oh, I would put the estimate where it is, because I have no reason to vary it. But I would have to look at it to give you the exact date.

MR. DARROW—I would, too. Do you remember what book the account is in?

MR. BRYAN—Genesis. It is given here as 2348 years B. C.

MR. DARROW—Well, 2348 years B. C.

MR. DARROW—You believe that all the living things that were not contained in the ark were destroyed?

MR. BRYAN—I think the fish may have lived.

MR. DARROW—Outside of the fish?

MR. BRYAN—I cannot say.

MR. DARROW—You cannot say?

MR. BRYAN—No. I accept that just as it is. I have no proof to the contrary.

MR. DARROW—I am asking you whether you believe it.

MR. BRYAN—I do. I accept that as the Bible gives it, and I have never found any reason for denying, disputing or rejecting it.

MR. DARROW—Let me make it definite—2,348 years?

MR. BRYAN—I didn't say that. That is the time given [indicating a Bible], but I don't pretend to say that is exact.

MR. DARROW—You never figured it out, those generations, yourself?

MR. BRYAN—No, sir; not myself.

MR. DARROW—But the Bible you have offered in evidence says 2340 something, so that 4,200 years ago there was not a living thing on the earth, excepting the people on the Ark and the animals on the ark, and the fishes?

MR. BRYAN—There had been living things before that?

MR. DARROW—I mean at that time?

MR. BRYAN—After that.

MR. DARROW—Don't you know there are any number of civilizations that are traced back to more than five thousand years?

MR. BRYAN—I know we have people who trace things back according to the number of ciphers they have. But I am not satisfied they are accurate.

MR. DARROW—You are not satisfied there is any civilization that can be traced back five thousand years?

MR. BRYAN—I would not want to say there is, because I have no evidence of it that is satisfactory.

MR. DARROW—Would you say there is not?

MR. BRYAN—Well, so far as I know, but when 306,000,000 years is their opinion, as to how long ago life came here, I want them to be nearer, to come nearer together, before they demand of me to give up my belief in the Bible.

MR. DARROW—Do you say that you do not believe that there were any civilizations on this earth that reach back beyond 5,000 years?

MR. BRYAN—I am not satisfied by any evidence that I have seen——

MR. DARROW—I didn't ask what you are satisfied with. I asked if you believed it.

MR. BRYAN—Will you let me answer it?

JUDGE RAULSTON—Go right on.

MR. BRYAN—I am satisfied by no evidence that I have found that would justify me in accepting the opinions of these men against what I believe to be the inspired Word of God.

MR. DARROW—And you believe every nation, every organization of men, every animal in the world, outside of the fishes——

MR. BRYAN—The fish, I want you to understand, is merely a matter of humor.

MR. DARROW—I believe the Bible says so. Take the fishes in?

MR. BRYAN—Let us get together and look over this.

MR. DARROW—Probably we would better. We will after we get through. You believe that all the various human races on the earth have come into being in the last four thousand years or four thousand two hundred years, whatever it is?

MR. BRYAN—No. It would be more than that.

MR. DARROW—1237?

MR. BRYAN—Some time after creation, before the flood.

MR. DARROW—1925 added to it?

MR. BRYAN—The flood is 2300 and something and creation, according to the estimate there, is further back than that.

MR. DARROW—Then you don't understand me. If we don't get together on it, look at the book. This is the year of grace 1925, isn't it? Let us put down 1925. Have you got a pencil? [One of the defense attorneys hands Mr. Darrow a pencil.]

MR. BRYAN—Add to that 4,004?

MR. DARROW—Yes——

MR. BRYAN—That is the date [referring to the Bible] given here on the first page, according to Bishop Usher, which I say I accept only because I have no reason to doubt it.

MR. DARROW—One thousand nine hundred and twenty-five plus 4,004 is 5,929 years. Now, then, what do you subtract from that?

MR. BRYAN—That is the beginning.

MR. DARROW—I was talking about the flood.

MR. BRYAN—Two thousand three hundred and forty-eight on that, we said.

MR. DARROW—Less than that?

MR. BRYAN—No; subtract that from 4,000. It would be about 1,700 years.

MR. DARROW—That is the same thing?

MR. BRYAN—No; subtracted, it is twenty-three hundred and something before the beginning of the Christian era, about 1,700 years after the creation.

MR. DARROW—If I add 2,300 years, that is the beginning of the Christian era?

MR. BRYAN—Yes, sir.

MR. DARROW—If I add 1925 to that I will get it, won't I?

MR. BRYAN—Yes, sir.

MR. DARROW—That makes 4,262 years?

MR. BRYAN—According to the Bible there was a civilization before that, destroyed by the flood.

MR. DARROW—Let me make this definite. You believe that every civilization on the earth and every living thing, except possibly the fishes, that came out of the ark, were wiped out by the flood?

MR. BRYAN—At that time.

MR. DARROW—At that time; and then, whatever human beings, including all the tribes that inhabited the world, and have inhabited the world, and who run their pedigree straight back, and all the animals have come on to the earth since the flood?

MR. BRYAN—Yes.

MR. DARROW—Within 4,200 years? Do you know a scientific man on the earth that believes any such thing?

MR. BRYAN—I cannot say, but I know some scientific men who dispute entirely the antiquity of man as testified to by other scientific men.

MR. DARROW—Oh, that does not answer the question. Do you know of a single scientific man on the face of the earth that believes any such thing as you stated, about the antiquity of man?

MR. BRYAN—I don't think I have even asked one the direct question.

MR. DARROW—Quite important, isn't it?

MR. BRYAN—Well, I don't know as it is.

MR. DARROW—It might not be?

MR. BRYAN—If I had nothing else to do except speculate on what our remote ancestors were and what our remote descendants have been, but I have been more interested in Christians going on right now, to make it much more important than speculations on either the past or the future.

MR. DARROW—You do know that there are thousands of people who profess to be Christians who believe the earth is much more ancient and that the human race is much more ancient?

MR. BRYAN—I think there may be.

MR. DARROW—And you never have investigated to find out how long man has been on the earth?

MR. BRYAN—I have never found it necessary. I do not expect to find out all those things. I do not expect to find out about races.

MR. DARROW—I didn't ask you that. Now, I ask you, if you know, if it was interesting enough, or important enough for you, to try to find out, how old these ancient civilizations are?

MR. BRYAN—No. I have not made a study of it.

MR. DARROW—Don't you know that the ancient civilizations of China are six or seven thousand years old, at the very least?

MR. BRYAN—No, but they would not run back beyond the creation, according to the Bible, six thousand years.

MR. DARROW—You don't know how old they are, is that right?

MR. BRYAN—I don't know how old they are, but possibly you do. [Laughter]

MR. DARROW—Have you any idea how old the Egyptian civilization is?

MR. BRYAN—No.

MR. DARROW—Do you know of any record in the world, outside of the story of the Bible, which conforms to any statement that it is 4,300 years ago or thereabouts, that all life was wiped off the face of the earth?

MR. BRYAN—I think they have found records.

MR. DARROW—Do you know of any?

MR. BRYAN—Records reciting the flood, but I am not an authority on the subject.

MR. DARROW—Mr. Bryan, don't you know that there are many old religions that describe the flood?

MR. BRYAN—No, I don't know. The Christian religion has satisfied me and I have never felt it necessary to look up some competing religion.

Questioned by Mr. Darrow, Mr. Bryan said "competitive religion" meant "religious unbelievers" in the Christian religion. The religions of Confucius and Buddha he did not regard as competitive, because he thought them inferior, and he told Mr. Darrow what he thought of both: Buddhism was a religion of agnosticism, because he had seen in Rangoon that the

Buddhists were to send a delegation to an agnostics' congress in Rome.

MR. DARROW—Do you know how old the Confucian religion is?

MR. BRYAN—I can't give you the exact date of it.

MR. DARROW—Do you know how old the religion of Zoroaster is?

MR. BRYAN—No, sir.

MR. DARROW—Do you know they are both more ancient than the Christian religion?

MR. BRYAN—I am not willing to take the opinion of people who are trying to find excuses for rejecting the Christian religion.

MR. DARROW—Are you familiar with James Clark's book on the ten great religions?

MR. BRYAN—No.

MR. DARROW—You don't know how old they are, all these other religions?

MR. BRYAN—I wouldn't attempt to speak correctly, but I think it is much more important to know the difference between them than to know the age.

MR. DARROW—Not for the purpose of this inquiry, Mr. Bryan. Do you know about how many people there were on this earth at the beginning of the Christian era?

MR. BRYAN—No. I don't think I ever saw a census on that subject.

MR. DARROW—Do you know about how many people there were on this earth 3,000 years ago?

MR. BRYAN—No.

MR. DARROW—Did you ever try to find out?

MR. BRYAN—When you display my ignorance, could you not give me the facts so I would not be ignorant any longer?

MR. DARROW—Can you tell me how many people there were when Christ was born? You know, some of us might get the facts and still be ignorant.

MR. BRYAN—Will you please give me that? You ought not to ask me a question that you don't know the answer to.

MR. DARROW—I can make an estimate.

MR. BRYAN—What is your estimate?

MR. DARROW—Wait until you get to me. Do you know

anything about how many people there were in Egypt 3,500 years ago, or how many people there were in China 5,000 years ago?

MR. BRYAN—No.

MR. DARROW—Have you ever tried to find out?

MR. BRYAN—No, sir; you are the first man I ever heard of who was interested in it. [Laughter]

MR. DARROW—Mr. Bryan, am I the first man you ever heard of who has been interested in the age of human societies and primitive man?

MR. BRYAN—You are the first man I ever heard speak of the number of people at these different periods.

MR. DARROW—Where have you lived all your life?

MR. BRYAN—Not near you. [Laughter and applause]

MR. DARROW—Nor near anybody of learning?

MR. BRYAN—Oh, don't assume you know it all.

MR. DARROW—Do you know there are thousands of books in your libraries on all those subjects I have been asking you about?

MR. BRYAN—I couldn't say, but I will take your word for it.

MR. DARROW—Did you ever read a book on primitive man? Like Tyler's Primitive Culture or Boaz or any of the great authorities?

MR. BRYAN—I don't think I ever read the ones you have mentioned.

MR. DARROW—Have you read any?

MR. BRYAN—Well, I have read a little from time to time. But I didn't pursue it, because I didn't know I was to be called as a witness.

MR. DARROW—You have never in all your life made any attempt to find out about the other peoples of the earth—how old their civilizations are, how long they have existed on the earth, have you?

MR. BRYAN—No, sir, I have been so well satisfied with the Christian religion that I have spent no time trying to find argument against it.

MR. DARROW—Were you afraid you might find some?

MR. BRYAN—No, sir; I am not afraid that you will show me any.

MR. DARROW—You remember that man who said—I am not

quoting literally—that one could not be content though he rose from the dead. You suppose you could be content?

MR. BRYAN—Well, will you give me the rest of it, Mr. Darrow?

MR. DARROW—No.

MR. BRYAN—Why not?

MR. DARROW—I am not interested.

MR. BRYAN—Why scrap the Bible? "They have Moses and the Prophets."[1]

MR. DARROW—Who has?

MR. BRYAN—That is the rest of the quotation you didn't finish.

MR. DARROW—And you think if they have Moses and the Prophets, they don't need to find out anything else?

MR. BRYAN—That was the answer that was made there.

MR. DARROW—You don't care how old the earth is, how old man is, and how long the animals have been here?

MR. BRYAN—I am not so much interested in that.

MR. DARROW—You have never made any investigation to find out?

MR. BRYAN—No, sir, I never have.

MR. DARROW—You have heard of the Tower of Babel, haven't you?

MR. BRYAN—Yes, sir.

MR. DARROW—That tower[2] was built under the ambition that they could build a tower up to Heaven, wasn't it? And God saw what they were at and to prevent their getting into Heaven, He confused their tongues?

MR. BRYAN—Something like that. I wouldn't say to prevent their getting into Heaven. I don't think it is necessary to believe that God was afraid they would get to Heaven.

MR. DARROW—I mean that way?

MR. BRYAN—I think it was a rebuke to them.

MR. DARROW—A rebuke to them trying to go that way?

MR. BRYAN—To build that tower for that purpose.

MR. DARROW—Take that short cut?

MR. BRYAN—That is your language, not mine.

MR. DARROW—Now, when was that?

[1] Luke 16:29-31.

[2] Genesis 11:4-9.

MR. BRYAN—Give us the Bible.

MR. DARROW—Yes, we will have strict authority on it—scientific authority?

MR. BRYAN—That was about 100 years before the flood, Mr. Darrow, according to this chronology. It was 2247—the date on one page is 2218 and on the other 2247, and it is described in here——

MR. DARROW—That is the year 2247?

MR. BRYAN—2218 B. C. is at the top of one page, and 2247 at the other, and there is nothing in here to indicate the change.

MR. DARROW—Well, make it 2218 then?

MR. BRYAN—All right, about.

MR. DARROW—Then you add 1500 to that.

MR. BRYAN—No, 1925.

MR. DARROW—Add 1925 to that—that would be 4,143 years ago. Up to 4,143 years ago, every human being on earth spoke the same language?

MR. BRYAN—Yes, sir, I think that is the inference that could be drawn from that.

MR. DARROW—All the different languages of the earth, dating from the Tower of Babel,—is that right? Do you know how many languages are spoken on the face of the earth?

MR. BRYAN—No. I know the Bible has been translated into 500, and no other book has been translated into anything like that many.

MR. DARROW—That is interesting, if true. Do you know all the languages there are?

MR. BRYAN—No, sir, I can't tell you. There may be many dialects besides that and some languages, but those are all the principal languages.

MR. DARROW—There are a great many that are not principal languages?

MR. BRYAN—Yes, sir.

MR. DARROW—You haven't any idea how many there are?

MR. BRYAN—No, sir.

MR. DARROW—And you say that all those languages of all the sons of men have come on the earth not over 4,150 years ago?

MR. BRYAN—I have seen no evidence that would lead me to put it any farther back than that.

MR. DARROW—That is your belief anyway? That was due to the confusion of tongues at the Tower of Babel? Did you ever study philology at all?

MR. BRYAN—No, I have never made a study of it—not in the sense in which you speak of it.

MR. DARROW—You have used language all your life?

MR. BRYAN—Well, hardly all my life—ever since I was about a year old.

MR. DARROW—And good language, too; and you never took any pains to find anything about the origin of languages?

MR. BRYAN—I never studied it as a science.

MR. DARROW—Have you ever by any chance read Max Mueller?

MR. BRYAN—No.

MR. DARROW—The great German philologist?

MR. BRYAN—No.

MR. DARROW—Or any book on that subject?

MR. BRYAN—I don't remember to have read a book on that subject, especially, but I have read extracts, of course, and articles on philology.

MR. DARROW—Mr. Bryan, could you tell me how old the earth is?

MR. BRYAN—No, sir, I couldn't.

MR. DARROW—Could you come anywhere near it?

MR. BRYAN—I wouldn't attempt to. I could possibly come as near as the scientists do, but I had rather be more accurate before I give a guess.

MR. DARROW—You don't think much of scientists, do you?

MR. BRYAN—Yes, I do, sir.

Mr. Bryan mentioned the name of George M. Price, formerly professor of geology in a college in Nebraska and now in a California college. Mr. Darrow characterized Mr. Price as not a geologist at all.

MR. DARROW—Do you know how old his book is?

MR. BRYAN—No, sir; it is a recent book.

MR. DARROW—Do you know anything about his training?

MR. BRYAN—No, I can't say on that.

MR. DARROW—Do you know of any geologist on the face of the earth who ever recognized him?

MR. BRYAN—I couldn't say.

MR. DARROW—But you think he is all right? How old does he say the earth is?

MR. BRYAN—I am not sure that I would insist on some particular geologist that you picked out recognizing him before I could consider him worthy of belief.

MR. DARROW—You would consider him worthy if he agreed with your views.

MR. BRYAN—Well, I think his argument is very good.

MR. DARROW—How old does Mr. Price say the earth is?

MR. BRYAN—I haven't examined the book in order to answer questions on it.

MR. DARROW—Then you don't know anything about how old he says it is?

MR. BRYAN—He speaks of the layers that are supposed to measure age and points out that they are not uniform and not always the same, and that attempts to measure age by those layers where they are not in the order in which they are usually found makes it difficult to fix the exact age.

MR. DARROW—Does he say anything whatever about the age of the earth?

MR. BRYAN—I wouldn't be able to testify.

MR. DARROW—When was the last Glacial Age?

MR. BRYAN—I wouldn't attempt to tell you that.

MR. DARROW—Have you any idea?

MR. BRYAN—I wouldn't want to fix it without looking at some of the figures.

MR. DARROW—Do you know whether it was more than 6,000 years ago?

MR. BRYAN—I think it was more than 6,000 years.

MR. DARROW—Have you any idea how old the earth is?

MR. BRYAN—No.

MR. DARROW—The Book you have introduced in evidence tells you, doesn't it? [Referring to the Bible]

MR. BRYAN—I don't think it does, Mr. Darrow.

MR. DARROW—Let's see whether it does. Is this the one?

MR. BRYAN—That is the one, I think.

MR. DARROW—It says B. C. 4004.

MR. BRYAN—That is Bishop Usher's calculation.

MR. DARROW—Do you think the earth was made in six days?

MR. BRYAN—Not six days of twenty-four hours.

MR. DARROW—Doesn't it say so?

MR. BRYAN—No, sir.

MR. STEWART—What is the purpose of this examination?

MR. BRYAN—The purpose is to cast ridicule on everybody who believes in the Bible, and I am perfectly willing that the world shall know that these gentlemen have no other purpose than ridiculing every person who believes in the Bible.

MR. DARROW—We have the purpose of preventing bigots and ignoramuses from controlling the education of the United States, and you know it, and that is all.

MR. BRYAN—I am glad to bring out that statement. I want the world to know that this evidence is not for the view. Mr. Darrow and his associates have filed affidavits here stating the purpose which, as I understand it, is to show that the Bible story is not true.

MR. MALONE—Mr. Bryan seems anxious to get some evidence in the record that would tend to show that those affidavits are not true.

MR. BRYAN—I am not trying to get anything into the record. I am simply trying to protect the Word of God against the greatest atheist or agnostic in the United States. [Prolonged applause] I want the papers to know I am not afraid to get on the stand in front of him and let him do his worst. I want the world to know that agnosticism is trying to force agnosticism on our colleges and on our schools, and the people of Tennessee will not permit it to be done. [Prolonged applause]

MR. DARROW—I wish I could get a picture of these claquers.

MR. STEWART—I am not afraid of Mr. Bryan being perfectly able to take care of himself, but this examination cannot be a legal examination, and it cannot be worth a thing in the world, and, your Honor, I respectfully except to it and call on your Honor in the name of all that is legal to stop this examination, and stop it here.

MR. HAYS—I rather sympathize with the General, but Mr. Bryan is produced as a witness because he is a student of the Bible, and he presumably understands what the Bible means. He is one of the foremost students in the United States, and we hope to show by Mr. Bryan, who is a student of the Bible, what the Bible really means in connection with evolution. Mr.

Bryan has already stated that the world is not merely 6,000 years old, and that is very helpful to us.

After considerable argument as to the admissibility of the examination, the Court permitted it to continue:

MR. DARROW—Mr. Bryan, do you believe that the first woman was Eve?

MR. BRYAN—Yes.

MR. DARROW—Do you believe she was literally made out of Adam's rib?

MR. BRYAN—I do.

MR. DARROW—Did you ever discover where Cain got his wife?[1]

MR. BRYAN—No, sir; I leave the agnostics to hunt for her.

MR. DARROW—You have never found out?

MR. BRYAN—I have never tried to find.

MR. DARROW—You have never tried to find?

MR. BRYAN—No.

MR. DARROW—The Bible says he got one, doesn't it? Were there other people on the earth at that time?

MR. BRYAN—I cannot say.

MR. DARROW—You cannot say? Did that never enter into your consideration?

MR. BRYAN—Never bothered me.

MR. DARROW—There were no others recorded, but Cain got a wife. That is what the Bible says. Where she came from, you don't know. All right. Does the statement, 'The morning and the evening were the first day' and 'The morning and the evening were the second day' mean anything to you?[2]

MR. BRYAN—I do not think it means necessarily a twenty-four-hour day.

MR. DARROW—You do not?

MR. BRYAN—No.

MR. DARROW—What do you consider it to be?

MR. BRYAN—I have not attempted to explain it. If you will take the second chapter—let me have the book. [Examining Bible] The fourth verse of the second chapter (Genesis) says: "These are the generations of the heavens and of the

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[1] Genesis 4:17.
[2] Genesis 1:5, 8.

earth, when they were created, in the day that the Lord God made the earth and the heavens." The word "day" there in the very next chapter is used to describe a period. I do not see that there is necessity for construing the words, "the evening and the morning" as meaning necessarily a twenty-four hour day: "in the day when the Lord made the Heaven and the earth."

MR. DARROW—Then when the Bible said, for instance, "And God called the firmament Heaven. And the evening and the morning were the second day,"—that does not necessarily mean twenty-four hours?

MR. BRYAN—I do not think it necessarily does.

MR. DARROW—Do you think it does or does not?

MR. BRYAN—I know a great many think so.

MR. DARROW—What do you think?

MR. BRYAN—I do not think it does.

MR. DARROW—You think these were not literal days?

MR. BRYAN—I do not think they were twenty-four-hour days.

MR. DARROW—What do you think about it?

MR. BRYAN—That is my opinion—I do not know that my opinion is better on that subject than those who think it does.

MR. DARROW—Do you not think that?

MR. BRYAN—No. But I think it would be just as easy for the kind of God we believe in to make the earth in six days as in six years or in six million years or in six hundred million years. I do not think it important whether we believe one or the other.

MR. DARROW—Do you think those were literal days?

MR. BRYAN—My impression is they were periods, but I would not attempt to argue as against anybody who wanted to believe in literal days.

MR. DARROW—Have you any idea of the length of the periods?

MR. BRYAN—No, I don't.

MR. DARROW—Do you think the sun was made on the fourth day?

MR. BRYAN—Yes.

MR. DARROW—And they had evening and morning without the sun?

MR. BRYAN—I am simply saying it is a period.

MR. DARROW—They had evening and morning for four periods without the sun, do you think?

MR. BRYAN—I believe in creation, as there told, and if I am not able to explain it, I will accept it.

MR. DARROW—Then you can explain it to suit yourself. And they had the evening and the morning before that time for three days or three periods. All right, that settles it. Now, if you call those periods, they may have been a very long time?

MR. BRYAN—They might have been.

MR. DARROW—The creation might have been going on for a very long time?

MR. BRYAN—It might have continued for millions of years.

MR. DARROW—Yes, all right. Do you believe the story of the temptation of Eve by the serpent?

MR. BRYAN—I do.

MR. DARROW—Do you believe that after Eve ate the apple, or gave it to Adam—whichever way it was—God cursed Eve, and at that time decreed that all womankind thenceforth and forever should suffer the pains of childbirth in the reproduction of the earth?[1]

MR. BRYAN—I believe what it says, and I believe the fact as fully.

MR. DARROW—That is what it says, doesn't it?

MR. BRYAN—Yes.

MR. DARROW—And for that reason, every woman born of woman, who has to carry on the race,—the reason they have childbirth pains is because Eve tempted Adam in the Garden of Eden?

MR. BRYAN—I will believe just what the Bible says. I ask to put that in the language of the Bible, for I prefer that to your language. Read the Bible, and I will answer.

MR. DARROW—All right, I will do that: "And I will put enmity between thee and the woman."[2] That is referring to the serpent?

MR. BRYAN—The serpent.

MR. DARROW (reading)—"And between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel.

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[1] Genesis 3.

[2] Genesis 3:15, 16.

Unto the woman He said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee." That is right, is it?

MR. BRYAN—I accept it as it is.

MR. DARROW—Do you believe that was because Eve tempted Adam to eat the fruit?

MR. BRYAN—I believe it was just what the Bible said.

MR. DARROW—And you believe that is the reason that God made the serpent to go on his belly after he tempted Eve?

MR. BRYAN—I believe the Bible as it is, and I do not permit you to put your language in the place of the language of the Almighty. You read that Bible and ask me questions, and I will answer them. I will not answer your questions in your language.

MR. DARROW—I will read it to you from the Bible: "And the Lord God said unto the serpent, Because thou hast done this, thou art cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life." Do you think that is why the serpent is compelled to crawl upon its belly?[1]

MR. BRYAN—I believe that.

MR. DARROW—Have you any idea how the snake went before that time?

MR. BRYAN—No, sir.

MR. DARROW—Do you know whether he walked on his tail or not?

MR. BRYAN—No, sir. I have no way to know. [Laughter]

MR. DARROW—Now, you refer to the bow that was put in the heaven after the flood, the rainbow. Do you believe in that?

MR. BRYAN—Read it.

MR. DARROW—All right, Mr. Bryan, I will read it for you.

MR. BRYAN—Your Honor, I think I can shorten this testimony. The only purpose Mr. Darrow has is to slur at the Bible, but I will answer his questions. I will answer it all at once, and I have no objection in the world. I want the world to know that this man, who does not believe in a God, is trying to use a court in Tennessee——

MR. DARROW—I object to that.

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[1] Genesis 3:14.

MR. BRYAN—To slur at it, and, while it will require time, I am willing to take it.

MR. DARROW—I object to your statement. I am examining you on your fool ideas that no intelligent Christian on earth believes.

Mr. Darrow and Mr. Bryan, both standing, were shaking their fists, and the Judge, banging his gavel on the table, promptly adjourned court until next morning.

The examination of Mr. Bryan had been calm enough at first, but gradually it had increased in intensity of feeling. The crowd had hung on every word, frequently breaking out into laughter or applause. Mr. Stewart and Mr. McKenzie from the first were opposed to the procedure. At one time Mr. McKenzie remarked that the defense would no more file Mr. Bryan's testimony for the Appellate Court than it would file a rattlesnake. At which Mr. Darrow, Mr. Malone, and Mr. Hays burst out:

"We will file it."

"File it from Dan to Beersheba," added Mr. Darrow.

Mr. Bryan apparently expected to put Mr. Darrow on the stand next day, but at a conference that night, Mr. Stewart is said to have told him that there would be no further examination of counsel on either side—that this was to be a lawsuit from now on.

XVI

THE TRIAL ENDS

THE trial of the State of Tennessee against John Thomas Scopes came to an abrupt conclusion on Tuesday morning, July 21, 1925.

On the eighth and last day of the trial Court convened fifteen minutes early. Judge Raulston's watch—not Judge Raulston, remarked Officer Kelso Rice—was fifteen minutes fast.

The Court immediately ordered Mr. Bryan's testimony of the seventh day expunged from the records.

"Since the beginning of this trial," said Judge Raulston, "the Judge of this court has had some big problems to pass upon. Of course, there is no way for me to know whether I have decided these questions correctly or not until the courts of last resort speak. If I have made a mistake, it was a mistake of the head and not the heart.

"There are two things that may lead a Judge into error. One is prejudice and passion, and another is an over-zeal to be absolutely fair to all parties. I fear that I may have committed error yesterday in my over-zeal to ascertain if there was anything in the proof that was offered that might aid the higher courts in determining whether or not I had committed error in my former decrees. I have no disposition to protect any decree that I make from being reversed by a higher court, because, if I am in error, I hope to God that somebody will correct my mistake.

"I feel that the testimony of Mr. Bryan can shed no light upon any issues that will be pending before the higher courts. The issue now is whether or not Mr. Scopes taught that man descended from a lower order of animals. It isn't a question of whether God created man as complete at once, or it isn't a question whether God created man by the process of develop-

ment and growth. Those questions have been eliminated by this Court, and the only question we have now is whether or not this defendant taught that man descended from a lower order of animals.

"As I see it, after due deliberation, I feel that Mr. Bryan's testimony cannot aid the higher court in determining that question. If the question before the higher court involved the issue as to what evolution is, or as to how God created man, or created the earth, or created the universe, this testimony might be relevant; but these questions are not before the Court; and so, taking this view of it, I am pleased to expunge this testimony given by Mr. Bryan yesterday from the records of this court, and it will not be further considered."

Mr. Stewart objected to any argument over this ruling, to which Mr. Darrow took an exception, announcing that he would try to get a writ from the State Supreme Court certifying Mr. Bryan's testimony.

MR. DARROW—We have all been here quite a while, and I say it in perfectly good faith, we have no witnesses to offer, no proof to offer on the issues that the Court has laid down here that Mr. Scopes did teach what the children said he taught, that man descended from a lower order of animals. We do not mean to contradict that, and I think to save time we will ask the Court to bring in the jury and instruct the jury to find the defendant guilty. We make no objection to that, and it will save a lot of time and I think it should be done.

MR. HAYS—We offered to prove by Mr. Bryan that the Bible was not to be taken literally, that the earth was a million years old, and we had hoped to prove by him further that nothing in the Bible said what the processes were of man's creation. We feel that the statement that the earth was a million years old, and nothing said about the processes of man's creation; that it is perfectly clear that what Scopes taught would not violate the first part of the act.

The State objected.

MR. BRYAN (addressing the Court)—At the conclusion of your decision to expunge from the record the testimony given by me, I didn't have time to ask you a question. I fully agree with the Court that the testimony taken yesterday was not legitimate or proper. I simply wanted the Court to understand

that I was not in position to raise an objection at that time myself, nor was I willing to have it raised for me without asserting my willingness to be cross-examined. Now the testimony has ended and I assume that you expunge the questions as well as the answers.

JUDGE RAULSTON—Yes, sir.

MR. BRYAN—That it isn't a reflection upon the answers any more than it is upon the questions.

JUDGE RAULSTON—I expunge the whole proceedings.

MR. BRYAN—Now, I hadn't reached the point where I could make a statement to answer the charges made by the counsel for the defense as to my ignorance and bigotry——

MR. DARROW—I object, your Honor! Now, what's all this about?

JUDGE RAULSTON—Why do you want to make this statement, Colonel Bryan?

MR. BRYAN—I just want to finish my sentence.

MR. DARROW—Why can't he go outside on the lawn?

JUDGE RAULSTON—I will hear him.

MR. BRYAN—I shall have to trust to the justice of the press which reported what was said yesterday to report what I will say, not to the Court, but to the press, in answer to that charge scattered broadcast over the world; and I shall also avail myself of the opportunity to give to the press, not to the Court, the questions that I would have asked had I been permitted to call the attorneys on the other side.

MR. DARROW—I think it would be better, Mr. Bryan, for you to take us out also with the press and ask us the questions, and then the press will have both the questions and the answers.

MR. BRYAN—The gentleman who represents the defense not only differs from me, but he differed from the Court very often in the matter of procedure. I simply want to make that statement, and say that I shall have to avail myself of the press without having the dignity of its being presented in this court. I think it is hardly fair to bring into the limelight my views on religion and stand behind a dark lantern that throws light on other people but conceals themselves. I think it is only fair that the country should know the religious attitude of the people who come down here to deprive the people of Tennessee of the right to run their own schools.

MR. MALONE—If your Honor please, I wish to make a statement, if statements are in order. The attorneys for the defense are hiding behind no screen of any kind. They will be happy at any time in any forum to answer any questions which Mr. Bryan can ask along the lines that were asked him yesterday.

At Mr. Stewart's suggestion the Court ordered the jury brought in. The Court in his charge to the jury said that they need not consider whether what Mr. Scopes had taught conflicted with Genesis, but only whether he taught man's descent from lower animals.

MR. DARROW—May I say a few words to the jury? [Addressing the jury] We are sorry that we have not had a chance to say anything to you. We will do it some other time. Now, we came down here to offer evidence in this case and the Court has held under the law that the evidence we had is not admissible, so all we can do is take an exception and carry it to a higher court to see whether the evidence is admissible or not.

"As far as this case stands before this jury, the Court has told you very plainly that if you think my client taught that man descended from a lower order of animals you will find him guilty, and you heard the testimony of the boys on that question and heard the books read, and there is no dispute about the facts.

"Scopes did not go on the stand, because he could not deny the statements made by the boys. I do not know how you may feel. I am not especially interested in it, but this case and this law will never be decided until it gets to a higher court, and it cannot get to a higher court very well unless you bring in a verdict. I do not want any of you to think we are going to find any fault with you as to your verdict.

"We cannot explain to you that we think you should return a verdict of not guilty. We do not ask it."

MR. STEWART—What Mr. Darrow wanted to say to you was that he wanted you to find his client guilty, but did not want to be in the position of pleading guilty because it would destroy his rights in the Appellate Court.

Captain Thompson, foreman, then marshalled the jury out of the courtroom to the lawn. The twelve men were out about eight minutes and took one ballot. Marching the jury back to

THE JUDGE (*right*) AND JURY

its place in the courtroom, Captain Thompson announced that John Thomas Scopes had been found guilty.

The Court unintentionally neglected to ask the defendant whether he had anything to say before sentence was imposed upon him. After the sentence had been announced as a minimum fine of $100, Dr. Neal interposed that Mr. Scopes might speak.

"Your Honor," said the defendant, "I feel that I have been convicted of having violated an unjust statute. I will continue in the future, as I have in the past, to oppose this law in any way I can. Any other action would be in violation of my ideals of academic freedom—that is, to teach the truth, as guaranteed in our Constitution, of personal and religious freedom. I think the fine is unjust."

Immediately the defense filed notice of appeal to the Supreme Court of Tennessee. Mr. Scopes was held in $500 bonds, furnished by *The Baltimore Sun*. The Court allowed the defense thirty days in which to prepare the appeal.

At the conclusion of all formalities, an exchange of amenities began.

MR. MALONE—Your Honor, may I at this time say on behalf of my colleagues that we wish to thank the people of the State of Tennessee, not only for their hospitality, but for the opportunity of trying out these great issues here.

A spectator thanked Dayton for keeping prices down during the influx of trial visitors.

MR. MCKENZIE (to the defense attorneys)—We have learned to take a broader view of life since you came. While much has been said and much written about the narrow-minded people of Tennessee, we do not feel hard toward you for having said that, because that is your idea. But we people here want to be more broad-minded than some have given us credit for, and we appreciate your coming and we have been greatly elevated, edified, and educated by your presence, and should the time ever come when you are back near the garden spot of the world, we hope that you will stop off and stay a while with us here in order that we may chat about the days of the past when the Scopes trial was tried in Dayton.

After Dr. Neal had spoken, Mr. Bryan said:

"I don't know that there is any special reason why I should

add to what has been said, and yet the subject has been presented from so many viewpoints that I hope the Court will pardon me if I mention a viewpoint that has not been referred to.

"Dayton is the centre and seat of this trial largely by circumstance. We are told that more words have been sent across the ocean by cable to Europe and Australia about this trial than have ever been sent by cable in regard to anything else doing in the United States. That isn't because the trial is held in Dayton. It isn't because a school teacher has been subjected to the danger of a fine of from $100 to $500, but I think it illustrates how people can be drawn into prominence by attaching themselves to a great cause.

"Causes stir the world, and this cause has stirred the world. It is because it goes deep. It is because it extends wide and because it reaches into the future beyond the power of man to see. Here has been fought out a little case of little consequence as a case, but the world is interested because it raises an issue, and that issue will some day be settled right, whether it is settled on our side or the other side. It is going to be settled right.

"There can be no settlement of a great cause without discussion, and people will not discuss a cause until their attention is drawn to it, and the value of this trial is not in any incident of the trial, it is not because of anybody who is attached to it, either in an official way or as counsel on either side.

"Human beings are mighty small, your Honor. We are apt to magnify the personal element, and we sometimes become inflated with our importance, but the world little cares for man as an individual. He is born, he works, he dies, but causes go on forever, and we who have participated in this case may congratulate ourselves that we have attached ourselves to a mighty issue. . . .

"I have no power to define this issue finally and authoritatively. None of the counsel on our side has this power, and none of the counsel on the other side has this power. Even this honorable Court has no such power.

"The people will determine this issue. They will take sides upon this issue, they will state the questions involved in this issue, they will examine the information—not so much that

which has been brought out here, for very little has been brought out here,—but this case will stimulate investigation and investigation will bring out information. The facts will be known, and upon the facts as ascertained the decision will be rendered. I think, my friends and your Honor, that if we are actuated by the spirit that should actuate every one of us, no matter what our views may be, we ought not only desire but pray that that which is right will prevail, whether it be our way or somebody else's."

Mr. Darrow, thanking Dayton for its hospitality and the Court for not sending him to jail, said:

"Of course, there is much that Mr. Bryan has said that is true; and nature—nature, I refer to—does not choose any special setting for mere events. I fancy that the place where Magna Charta was wrested from the barons in England was a very small place, probably not as big as Dayton. But events come along as they come along.

"I think this case will be remembered because it is the first case of this sort since we stopped trying people in America for witchcraft, because here we have done our best to turn back the tide that has sought to force itself upon this modern world of testing every fact in science by a religious dictum. That is all I care to say."

JUDGE RAULSTON—I recently read somewhere what I think was a definition of a great man, and that was this: That he possesses a passionate love for the truth and has the courage to declare it in the face of all opposition.

"It is easy enough, my friends, to have a passion to find a truth, or to find a fact, rather, that coincides with our preconceived notions and ideas, but it sometimes takes courage to search diligently for a truth that may destroy our preconceived notions and ideas.

"The man that only has a passion to find the truth is not a complete and great man; but he must also have the courage to declare it in the face of all opposition. It does not take any great courage for a man to stand for a principle that meets with the approval of public sentiment around him, but it sometimes takes courage to declare a truth or stand for a fact that is in contravention to public sentiment.

"Dayton has been referred to,— that something big could not come out of Dayton. Why, my friends, the greatest Man that has ever walked on the face of the earth, the Man that left the portals of Heaven, the Man that came down from Heaven to earth that man might live, was born in a little town, and He lived and spent His life among a simple, unpretentious people.

"Now, my friends, the people in America are a great people. We are great in the South, and they are great in the North. We are great because we are willing to lay down our differences when we fight the battle out and be friends.

"And, let me tell you, there are two things in this world that are indestructible, that man cannot destroy, or no force in the world can destroy.

"One is the truth. You may crush it to the earth, but it will rise again. It is indestructible, and the cause of the law of God.

"Another thing indestructible in America and in Europe and everywhere else, is the Word of God, that He has given to man, that man may use it as a waybill to the other world. Indestructible, my friends, by any force because it is the Word of the Man, of the forces that created the universe, and He has said in His Word that 'My word will not perish,' but will live forever.

"I am glad to have had these gentlemen with us. This little talk of mine comes from my heart, gentlemen. I have had some difficult problems to decide in this lawsuit, and I only pray to God that I have decided them right.

"If I have not, the higher courts will find the mistake. But if I failed to decide them right, it was for the want of legal learning and legal attainments, and not for the want of a disposition to do everybody justice."

MR. HAYS—May I, as one of the counsel for the defense, ask your Honor to allow me to send you the "Origin of Species" and "Descent of Man," by Charles Darwin? [Laughter]

JUDGE RAULSTON—I shall be glad to receive them. We will adjourn and Brother Jones will pronounce the benediction.

The trial of John Thomas Scopes was over, but the clicking of the typewriters was not. From the house of Richard Rogers, the Bryan headquarters, came a statement and Mr. Bryan's questions for Mr. Darrow; and soon after, there issued from the

Mansion, headquarters of the defense, a statement by Mr. Darrow, his replies to those questions, and some parting remarks from Mr. Malone. The Bryan statement read in part:

"The trial is over. The State has won its case. The Tennessee law has been vindicated and sentence pronounced on the young school teacher who violated it. The State has not lost a point from the beginning of the trial to the end. . . .

"Believing as I do in revealed religion—that is to say, in Christianity built upon the Word of God—I rejoice that the followers of our Lord and Saviour Jesus Christ are at last awakened to the insidious attacks which have been made, under cover of a scientific hypothesis upon the authority of the Bible by unbelievers of every grade and class. The attack upon the authority of the Bible is organized, deliberate, and malignant, and had only to be uncovered to be understood.

"Mr. Darrow's entrance into the case has been most fortunate for the Christian Church. He is the most conspicuous of the outspoken opponents of religion in the nation. He is the finished product of evolution—the most perfect that has yet developed in the United States. He embodies all that is cruel, heartless, and destructive in evolution. He is our Exhibit A and proves the criminal folly of entrusting to the tempestuous sea of life an intellectual ship without a moral rudder and without a compass.

"He does not believe that there is a God—he is an avowed agnostic—and, therefore, has no sense of responsibility to God, as love of fellow-man has no other foundation than love of God, as set forth in the two Commandments, 'Thou shalt love the Lord thy God with all thy heart, and thy neighbor as thyself.'

"He objected to the customary opening of the court with prayer and insisted on the removal of a sign, 'Read your Bible.' He has slurred the Bible, insulted the Court, has shown his contempt for everything Christian and everybody identified with Christianity as it is taught in orthodox churches, and—'the ruling passion strong in death,'—he closed the after-trial meeting in the court room with a sneer, when all the other participants had spoken in a spirit appropriate to the occasion.

"In the speech which I prepared for delivery before the jury (I was honored by the State with the privilege of making the closing speech) I shall set forth the State's side of the case in

defense of the law and in explanation of the purpose of the good people of Tennessee, whose will it expressed.

"When Mr. Darrow summoned me as a witness yesterday I might have refused to testify, but knowing that his purpose was to impress upon the people outside the courtroom rather than to try the case, I consented to testify in order that he might not be able to charge me with unwillingness to face his questions. He did not ask a single question that was proper or that would have been permitted had I objected to it. The Judge permitted them to be asked only because I was willing to answer, and later, upon reflection, expunged both questions and answers from the record. . . .

"Before the Court and in the proffer of evidence, they contended that the theory of evolution is consistent with the Bible. If so, why was the case not conducted by conspicuous champions of Christianity? If their answers show that they do not accept the Bible in its orthodox interpretation as it is accepted by the people of Tennessee, then the public will be compelled to believe that instead of defending free speech or religious liberty, they are attempting to force the views of a minority—whether those views be described as religious or irreligious—upon the children of the majority in the public schools.

"For the first time in history, so far as I have been able to learn, a militant minority, made up of atheists, agnostics, and other dissenters from orthodox Christianity, is seeking to use the courts to compel the majority to pay teachers to undermine the religious faith of the children of the taxpayers who employ teachers."

To Mr. Bryan's statement Mr. Darrow replied:

"Mr. Bryan has done me the honor to say I am the finest product of evolution. I don't believe I am. I hope there are many finer products, both living and still to come. If I am the finest product of evolution, I am the direct antithesis to him. Mr. Bryan is not a product of evolution, but comes under the classification of those who revert to type.

"Whether Mr. Bryan and I are typical examples of what should be the outcome of real religion I am not able to say. I fancy neither of us is the best that could be done. Far be it from me to determine between Mr. Bryan and myself as to who

has the greatest love of man. Mr. Bryan's statement throws some light on his feelings. I fancy no one in need of a friend or help would have any uncontrollable impulse to fly to him.

"As to my entrance into this case being unfortunate to the Christian Church, I did not come into it until he volunteered, and which one's entrance was most unfortunate must be determined by religionists. I am inclined to think that most intelligent religionists would like to get rid of Mr. Bryan.

"I have never said I did not believe in a God. I have never been able to satisfy myself of a first cause. As to that, I am an agnostic—ready to receive light from any one who has anything to give.

"Mr. Bryan knows perfectly well that it is not customary to open court with prayer. It was especially out of keeping in this case. . . .

"Mr. Bryan's rabies seem due to the fact that I placed him on the witness stand. I offered to place on the witness stand eminent Christian scholars to interpret the meaning of the story in Genesis and the Bible as to the creation of Man. Mr. Bryan objected to this testimony, with a sneer at all colleges, institutions of learning and Biblical scholars, and told the Court that a jury in Tennessee, most of whom had little education, knew more about the Bible than all the eminent scholars we sought to call.

"The Judge excluded this testimony, on Mr. Bryan's request, from the hearing of the jury, but permitted us to put it in the record for examination by the Supreme Court on the question of whether the trial court erred in excluding the evidence. On the same theory, we called Mr. Bryan to the witness stand as an expert on the meaning of the Bible. Very likely we were wrong in this, as he was probably not an expert, but we had in mind that for several years the newspapers of this country had carried his Sunday preaching to the world, and we thought he ought to know.

"We had a perfect right to offer his evidence as to whether the Bible in all cases should be literally interpreted. How much Mr. Bryan knows about the Bible or any other subject can best be determined by reading his answers. However, he did say he believed the literal days of creation mentioned in the first book of Genesis were probably not literal days, but were vast periods

of time, which would seem to warrant the inference that if Mr. Bryan could place his interpretation on the meaning of a day which opened in the morning and closed in the evening, it might not be an evidence of original sin if some one else placed an interpretation on the method by which God made man. . . .

"I was led to believe that Mr. Bryan was perfectly willing to permit evidence as to the correct interpretation of Genesis and likewise as to what evolution meant, by the fact that I was reliably informed by a dozen newspaper men of high standing, whose reports were generally printed, that he had invited the fullest investigation of the case of evolution and religion. . . .

"Mr. Bryan has seen fit to ask me to answer nine specific questions. Of course this has nothing whatever to do with the case, but I have no objections to answering them. Of course I speak for myself and myself alone, and I speak of my present opinions, which I am always ready to change.

"I have never tried to impose my views of religion on any human being that ever lived. I have a right to my own views and would fight as hard to protect every other man's views as I would fight to protect my own."

These are Mr. Bryan's questions and Mr. Darrow's replies:

MR. BRYAN—Do you believe in the existence of God as described in the Bible?

MR. DARROW—I do not know of any description of God in the Bible, although we are informed in one part that He is a spirit. If Mr. Bryan would describe what he means by God, I could probably tell whether or not I believe in his God. The question as to what was meant by the word was put directly to counsel for the State, and one of their attorneys, in Mr. Bryan's presence, said he believed that God was like man, a magnified picture of man. I do not believe in this kind of God. As to the origin of the universe and what is back of it, I do not pretend to know. I haven't the intimate acquaintance with it that Mr. Bryan has.

MR. BRYAN—Do you believe that the Bible is the revealed will of God, inspired and trustworthy?

MR. DARROW—I think there is much of value in the Bible, but I do not believe it is written or inspired by God. I believe it should be taken as every other book, and that the portions in

it that are sublime, like such portions of every other great book, might by a figure of speech, be called inspired. I might even say this of Mr. Bryan's "In His Image," if I could find any sublime part.

MR. BRYAN—Do you believe in the supernatural Christ, foretold in the Old Testament, and revealed in the New Testament?

MR. DARROW—I do not believe that any supernatural Christ was foretold in the Old Testament and revealed in the New. I believe the Christ that was foretold in the Old Testament was a great Jew who would deliver the Jews from their physical bondage and nothing else.

MR. BRYAN—Do you believe in the miracles recorded in the Old and New Testaments? If you believe in some, but not all of them, please name a few of those which you accept and those you reject, with reasons for the same. Do you believe that Christ was conceived by the Holy Ghost and born of the Virgin Mary, as recorded in Matthew and Luke? Do you believe that Christ rose from the dead, as described in the four Gospels?

MR. DARROW (answering these four questions)—I do not believe in miracles. I believe the universe acts and always has acted according to immutable law, and that whatever may be back of the universe, it has never violated these laws.

MR. BRYAN—Do you believe in the immortality of the soul?

MR. DARROW—I have been searching for proof of this all my life with the same desire to find it that is incident to every living thing, and I have never found any evidence on the subject.

MR. BRYAN—If you believe in evolution, at what point in man's descent from the brute is he endowed with hope and promise of a life beyond the grave?

MR. DARROW—I have no knowledge on the question of when man first believed in life beyond the grave. I am not at all sure whether some other animals have not the same hope of future life. Its origin may have arisen in vivid dreams concerning the return of the dead or, from all I know, from actual evidences of the return of the dead.

Two days after the close of the trial, Mr. Bryan issued a statement, part of which follows:

"I am not acquainted with the details of any of the sciences to

which Mr. Darrow referred. My reading on these subjects has been general and not as a specialist.

"It is unfair, however, that one should be condemned for lack of technical knowledge of a few subjects if he is acquainted with the subjects that are more important, and with which all the people deal. . . .

"As it requires a considerable part of a lifetime to acquaint one's self thoroughly with any one of these sciences, a man would have to spend many lives to be familiar with them all, even if he gave no time to the problems with which the mass of people are dealing.

"My life has been spent in the study and discussion of economic, social, and governmental problems, and I am willing to abide by the judgment of those whose paramount interest is in these problems, and they include more than 95 per cent of the population, as compared to the small per cent who specialize in various lines of science, however important their work may be.

"Preparations for my life work began with a fortunate home environment, furnished by a father who had a classical education and a mother who shared his intellectual enthusiasm. My father was a lawyer, a member of the State Senate, a Circuit Court Judge and a member of the Illinois Constitutional Convention. My parents were devout Christians, members of the Baptist Church.

"My education began with instruction by my mother until I was 10, then instruction in the public school until I was 15, then six years at Jacksonville, Ill., two in preparatory work and four in Illinois College, graduating as valedictorian and class orator; then two years in Union College of Law, Chicago.

"My college degrees are bachelor of arts, master of arts, bachelor of laws, and doctor of laws, the degree of doctor of laws having been conferred on me by four state universities and three other colleges. I practiced law for three years at Jacksonville, Ill., and four at Lincoln, Neb., before leaving the practice for politics. My official service covers two terms in Congress and two years and three months as Secretary of State.

"As Congressman I dealt with every question then before the people, the chief ones being taxation, the monetary question, the income tax and popular election of Senators. As Secretary of State I negotiated fifty-two treaties. Thirty of them put into

effect a plan which I formulated in 1905. That plan now links us to three-quarters of the world, and has been indorsed by a still larger percentage of the population. I have supported four constitutional amendments and several statutory reforms.

"In three Presidential campaigns I've received each time nearly 6,500,000 votes, 1,000,000 more than the Democratic Party ever polled prior to 1896, and it was twenty years before our party polled more than that vote.

"For twenty-one years I published a journal devoted to political, economic, and social questions, besides writing for prominent newspapers and magazines.

"I have spoken to students in nearly all the state universities and in many of the larger denominational universities and colleges, besides high schools without number. My more recent college addresses have been at Dartmouth, Harvard, and Brown.

"In a trip around the world I was given audience by a number of kings, emperors, and prominent public men and have been cordially received by presidents of Latin-America and high officials throughout both the Eastern and Western hemispheres.

"My religious work has brought me into acquaintance with the leaders of different branches of the Christian Church, and I have spoken in synagogues as well as before congregations of many denominations.

"In all my varied experience before intelligent people in many lands, as well as in every state in the Union, I was never called 'ignorant' or an 'ignoramus,' so far as I know, by any one except an evolutionist, and the epithet was not used by evolutionists until I found it necessary to protect my family from the family tree by which evolutionists connect themselves with the jungle.

"The Christians of the world are not enemies of education Preachers rank high in education, and no national body of any kind will average higher than a national assembly of our religious denominations."

XVII

MR. BRYAN'S LAST STATEMENT

FIVE days after the conclusion of the trial, on Sunday afternoon, July 26, William Jennings Bryan died—within a week after he had been on the stand and had said:

"The Bible is all I need to live by and die by."

There was both prophecy and literalness in this statement, for Mr. Bryan just before his death was planning an anti-evolution crusade along national lines. His last days were spent most actively in making speeches throughout the countryside and in editing and preparing the address which, through unanticipated developments, he had been prevented from delivering at the trial itself.

On July 28, Mrs. Bryan made public this address, which at once sums up the State's case and presents Mr. Bryan's own views on the Bible, God, and evolution:

"Let us now separate the issues from the misrepresentations, intentional or unintentional, that have obscured both the letter and the purpose of the law. This is not an interference with freedom of conscience. A teacher can think as he pleases and worship God as he likes, or refuse to worship God at all. He can believe in the Bible or discard it; he can accept Christ or reject Him. This law places no obligation or restraints upon him.

"And so with freedom of speech, he can, so long as he acts as an individual, say anything he likes on any subject. This law does not violate any rights guaranteed by any constitution to any individual. It deals with the defendant, not as an individual, but as an employee, an official or public servant, paid by the State, and therefore under instructions from the State."

Mr. Bryan then referred to the recent Oregon case as having affirmed the State's right to control the public schools and the parent's duty to guard the religious welfare of the child. He had made a similar reference during the trial.

"It need hardly be added," he continued, "that this law did not have its origin in bigotry. It is not trying to force any form of religion on anybody. The majority is not trying to establish a religion or to teach it—it is trying to protect itself from the effort of an insolent minority to force irreligion upon the children under the guise of teaching science.

"What right has a little irresponsible oligarchy of self-styled 'intellectuals' to demand control of the schools of the United States, in which twenty-five millions of children are being educated at an annual expense of nearly two billions of dollars?

"Christians must, in every State of the Union, build their own colleges in which to teach Christianity; it is only simple justice that atheists, agnostics, and unbelievers should build their own colleges if they want to teach their own religious views or attack the religious views of others.

After reviewing the Tennessee law itself and the facts about its violation as brought out in the trial as justifying the jury in bringing in a verdict of guilty, Mr. Bryan continued:

"But the importance of this case requires more. The facts and arguments presented to you must not only convince you of the justice of conviction in this case, but, while not necessary to a verdict of guilty, they should convince you of the righteousness of the purpose of the people of the State in the enactment of this law.

"The State must speak through you to the outside world and repel the aspersions cast by the counsel for the defense upon the intelligence and the enlightenment of the citizens of Tennessee. The people of this State have a high appreciation of the value of education. The State Constitution testifies to that in its demand that education shall be fostered and that science and literature shall be cherished. The continuing and increasing appropriations for public instruction furnish abundant proof that Tennessee places a just estimate upon the learning that is obtained in its schools.

"Religion is not hostile to learning; Christianity has been the greatest patron learning has ever had. But Christians know that 'the fear of the Lord is the beginning of wisdom' now, just as it has been in the past, and they therefore oppose the teaching of guesses that encourage godlessness among the students.

"Neither does Tennessee undervalue the service rendered by science. The Christian men and women of Tennessee know how

deeply mankind is indebted to science for benefits conferred by the discovery of the laws of nature and by the designing of machinery for the utilization of these laws. Give science a fact and it is not only invincible, but it is of incalculable service to man.

"If one is entitled to draw from society in proportion to the service that he renders to society, who is able to estimate the reward earned by those who have given to us the use of steam, the use of electricity, and enabled us to utilize the weight of water that flows down the mountainside? Who will estimate the value of the service rendered by those who invented the phonograph, the telephone, and the radio?

"Or, to come more closely to our home life, how shall we recompense those who gave us the sewing machine, the harvester, the threshing machine, the tractor, the automobile, and the method now employed in making artificial ice? The department of medicine also opens an unlimited field for invaluable service. . . .

"Christianity welcomes truth from whatever source it comes and is not afraid that any real truth from any source can interfere with the divine truth that comes by inspiration from God Himself. It is not scientific truth to which Christians object, for true science is classified knowledge and nothing therefore can be scientific unless it is true.

"Evolution is not truth, it is merely an hypothesis—it is millions of guesses strung together. It had not been proved in the days of Darwin; he expressed astonishment that with two or three million species it had been impossible to trace any species to any other species. It had not been proved in the days of Huxley, and it has not been proved up to today.

"It is less than four years ago that Professor Bateson came all the way from London to Canada to tell the American scientists that every effort to trace one species to another had failed —every one. He said he still had faith in evolution, but had doubts about the origin of species.

"But of what value is evolution if it cannot explain the origin of species? While many scientists accept evolution as if it were a fact, they all admit when questioned that no explanation has been found of how one species developed into another.

"Darwin suggested two laws, sexual selection and natural

selection. Sexual selection has been laughed out of the class room, and natural selection is being abandoned, and no new explanation is satisfactory even to scientists. Some of the more rash advocates of evolution are wont to say that evolution is as firmly established as the law of gravitation or the Copernician theory.

"The absurdity of such a claim is apparent when we remember that any one can prove the law of gravitation by throwing a weight into the air and that any one can prove the roundness of the earth by going around it, while no one can prove evolution to be true in any way whatever.

"Chemistry is an insurmountable obstacle in the path of evolution. It is one of the greatest of the sciences; it separates the atoms—isolates them and walks about them, so to speak. If there were in nature a progressive force, an eternal urge, chemistry would find it. But it is not there.

"All of the ninety-two original elements are separate and distinct; they combine in fixed and permanent proportions. Water is H_2O, as it has been from the beginning. It was here before life appeared and has never changed; neither can it be shown that anything else has materially changed.

"There is no more reason to believe that man descended from some inferior animal than there is to believe that a stately mansion has descended from a small cottage. Resemblances are not proof—they simply put us on inquiry. As one fact, such as the absence of the accused from the scene of the murder, outweighs all the resemblances that a thousand witnesses could swear to, so the inability of science to trace any one of the millions of species to another species outweighs all the resemblances upon which evolutionists rely to establish man's blood relationship with the brutes.

"But while the wisest scientists cannot prove a pushing power, such as evolution is supposed to be, there is a lifting power that any child can understand. The plant lifts the mineral up into a higher world, and the animal lifts the plant up into a world still higher. So, it has been reasoned by analogy, man rises, not by a power within him, but only when drawn upward by a higher power. There is a spiritual gravitation that draws all souls toward heaven, just as surely as there is a physical force that

draws all matter on the surface of the earth toward the earth's center.

"Christ is our drawing power; He said, 'I, if I be lifted up from the earth, will draw all men unto me,'[1] and His promise is being fulfilled daily all over the world.

"It must be remembered that the law under consideration in this case does not prohibit the teaching of evolution up to the line that separates man from the lower form of animal life. The law might well have gone further than it does and prohibit the teaching of evolution in lower forms of life; the law is a very conservative statement of the people's opposition to an anti-Biblical hypothesis. . . .

"Most of the people who believe in evolution do not know what evolution means. One of the science books taught in the Dayton High School has a chapter on 'The Evolution of Machinery.' This is a very common misuse of the term. People speak of the evolution of the telephone, the automobile, and the musical instrument. But these are merely illustrations of man's power to deal intelligently with inanimate matter; there is no growth from within in the development of machinery.

"Equally improper is the use of the word 'evolution' to describe the growth of a plant from a seed, the growth of a chicken from an egg, or the development of any form of animal life from a single cell. All these give us a circle, not a change from one species to another.

"Evolution—the evolution involved in this case, and the only evolution that is a matter of controversy anywhere—is the evolution taught by defendant, set forth in the books now prohibited by the new State law, and illustrated in the diagram printed on page 194 of Hunter's 'Civic Biology.'

"The author estimates the number of species in the animal kingdom at 518,900. These are divided into eighteen classes, and each class is indicated on the diagram by a circle. It begins with protozoa and ends with the mammals.

"No circle is reserved for man alone. He is, according to the diagram, shut up in the little circle entitled 'mammals,' with 3,499 other species of mammals. Does it not seem a little unfair not to distinguish between man and lower forms of life?

[1] John 12:32.

"What shall we say of the intelligence, not to say religion, of those who are so particular to distinguish between fishes and reptiles and birds, but put a man with an immortal soul in the same circle with the wolf, the hyena, and the skunk? What must be the impression made upon children by such a degradation of man?

"In the preface of this book the author explains that it is for children, and adds that 'the boy or girl of average ability upon admission to the secondary school is not a thinking individual.'

"Whatever may be said in favor of teaching evolution to adults, it surely is not proper to teach it to children who are not yet able to think.

"The evolutionist does not undertake to tell us how protozoa, moved by interior and resident forces, sent life up through all the various species, and cannot prove that there was actually any such compelling power at all. And yet, the school children are asked to accept guesses and build a philosophy of life upon them.

"If it were not so serious a matter, one might be tempted to speculate upon the various degrees of relationship that, according to evolutionists, exist between man and other forms of life. It might require some very nice calculation to determine at what degree of relationship the killing of a relative ceases to be murder and the eating of one's kin ceases to be cannibalism.

"But it is not a laughing matter when one considers that evolution not only offers no suggestions regarding a Creator, but tends to put the creative act so far away to cast doubt upon creation itself. And, while it is shaking faith in God as a beginning, it is also creating doubt regarding a heaven at the end of life.

"Evolutionists do not feel that it is incumbent upon them to show how life began or at what point in their long drawn out scheme of changing species man became endowed with hope and promise of immortal life. God may be a matter of indifference to the evolutionists, and a life beyond may have no charm for them, but the mass of mankind will continue to worship their Creator and continue to find comfort in the promise of their Saviour that He has gone to prepare a place for them.

"Christ has made of death a narrow, star-lit strip between the companionship of yesterday and the reunion of tomorrow;

evolution strikes out the stars and deepens the gloom that enshrouds the tomb.

"If the results of evolution were unimportant, one might require less proof in support of the hypothesis, but before accepting a new philosophy of life, built upon a materialistic foundation, we have reason to demand something more than guesses; 'We may well suppose' is not a sufficient substitute for 'Thus saith the Lord.'

"If you, your Honor, and you, gentlemen of the jury, would have an understanding of the sentiment that lies back of the statute against the teaching of evolution, please consider the facts that I shall now present to you. First, regarding the animals to which evolutionists would have us trace our ancestry. The following is Darwin's family tree, as you will find it set forth on pages 180-181 of his 'Descent of Man':

" 'The most ancient progenitors in the kingdom of vertebrata, at which we are able to obtain an obscure glance, apparently consisted of a group of marine animals resembling the larvæ of existing ascidians. These animals probably gave rise to a group of fishes, as lowly organized as the lancelot; and from these the ganoids, and other fishes like the Lepidosiren, must have been duplicated.

" 'From such fish a very small advance would carry us on to the amphibians. We have seen that birds and reptiles were once intimately called together, and the Monotremata now connect mammals with reptiles in a slight degree.

" 'But no one can at present say by what line of descent the three higher and related classes, namely mammals, birds, and reptiles, were derived from the two lower vertebrate classes, namely, amphibians and fishes. In the class of mammals the steps are not difficult to conceive which led from the ancient Monotremata to the ancient Marsupials and from these to the early progenitors of the placental mammals. We may thus ascend to the Lemuridæ; and the interval is not very wide from these to the Simiadæ.

" 'The Simiadæ then branched off into two great stems, the New World and Old World monkeys; and from the latter, at a remote period, man, the wonder and glory of the universe, proceeded. Thus we have given to a man a pedigree of prodigious length, but not, it may be said, of noble quality.'

"Note the words implying uncertainty: 'obscure glance,' 'apparently,' 'resembling,' 'must have been,' 'slight degree,' and 'conceive.'

"Darwin, on page 171 of the same book, tries to locate his first man—that is, the first man to come down out of the trees—in Africa. After leaving man in company with gorillas and chimpanzees, he says: 'But it is useless to speculate on this subject.' If he had only thought of this earlier the world might have been spared much of the speculation that his brute hypothesis has excited.

"On page 79, Darwin gives some fanciful reasons for believing that man is more likely to have descended from the chimpanzee than from the gorilla. His speculations are an excellent illustration of the effect that the evolutionary hypothesis has in cultivating the imagination. Professor J. Arthur Thomson says that the 'idea of evolution is the most potent thought-economizing formula the world has yet known.' It is more than that; it dispenses with thinking entirely and relies on the imagination.

"On page 141, Darwin attempts to trace the mind of man back to the mind of lower animals. On pages 113 and 114, he endeavors to trace man's moral nature back to the animals. It is all animal, animal, animal, with never a thought of God or of religion.

"Our first indictment against evolution is that it disputes the truth of the Bible account of man's creation and shakes faith in the Bible as the word of God. This indictment we prove by comparing the processes described as evolutionary with the text of Genesis. It not only contradicts the Mosaic record on the beginning of human life, but it disputes the Bible doctrine of reproduction according to kind—the greatest scientific principle known.

"Our second indictment is that the evolutionary hypothesis carried to its logical conclusion disputes every vital truth of the Bible. Its tendency, natural if not inevitable, is to lead those who really accept it, first to agnosticism and then to atheism. Evolutionists attack the truth of the Bible, not openly at first, but by using weasel words like 'poetical,' 'symbolical,' and 'allegorical' to suck the meaning out of the inspired record of man's creation.

"We call as our first witness Charles Darwin. He began life a Christian. On page 39, Volume I, of the 'Life and Letters of Charles Darwin,' by his son, Francis Darwin, he says, speaking of the period from 1828 to 1831, 'I did not then in the least doubt the strict and literal truth of every word in the Bible.'

"On page 412 of Volume II of the same publication, he says, 'When I was collecting facts for the "Origin," my belief in what is called a personal God was as firm as that of Dr. Pusey himself.' It may be a surprise to your Honor and to you, gentlemen of the jury, as it was to me, to learn that Darwin spent three years at Cambridge studying for the ministry.

"This was Darwin as a young man, before he came under the influence of doctrine that man came from a lower order of animals. The change wrought in his religious views will be found in a letter written to a German youth in 1879, and printed on page 277 of Volume I of the 'Life and Letters' above referred to. The letter begins: 'I am much engaged, an old man, and out of health, and I cannot spare time to answer your questions fully—nor indeed can they be answered. Science has nothing to do with Christ, except in so far as the habit of scientific research makes a man cautious in admitting evidence. For myself, I do not believe that there ever has been any revelation. As for a future life, every man must judge for himself between conflicting vague probabilities.'

"Note that 'science has nothing to do with Christ, except in so far as the habit of scientific research makes a man cautious in admitting evidence.' Stated plainly, that simply means that 'the habit of scientific research' makes one cautious in accepting the only evidence that we have of Christ's existence, mission, teachings, crucifixion, and resurrection, namely the evidence found in the Bible.

"To make this interpretation of his words, the only possible one, he adds: 'For myself, I do not believe that there ever has been any revelation.'

"In rejecting the Bible as a revelation from God, he rejects the Bible's conception of God, and he rejects also the supernatural Christ, of whom the Bible, and the Bible alone, tells And, it will be observed, he refuses to express any opinion on a future life.

"Now let us follow with his son's exposition of his father's

views as they are given in extracts from a biography written in 1876. Here is Darwin's language as quoted by his son:

"'During these two years—October, 1838, to January, 1839—I was led to think much about religion. Whilst on board the *Beagle* I was quite orthodox and I remember being heartily laughed at by several of the officers—who thought themselves orthodox—for quoting the Bible as an unanswerable authority on some point of morality. When thus reflecting I felt compelled to look for a First Cause, having an intelligent mind in some degree analogous to man, and I deserved to be called an atheist.

"'This conclusion was strong in my mind about the time, as far as I can remember, when I wrote the "Origin of Species"; it is since that time that it has very gradually, with many fluctuations, become weaker. But then arises the doubt, can the mind of man, which has, as I fully believe, been developed from a mind as low as that possessed by the lowest animals, be trusted when it draws such grand conclusions?

"'I cannot pretend to throw the least light on such abstruse problems. The mystery of the beginning of all things is insoluble by us; and I for one must be content to remain an agnostic.'

"When Darwin entered upon his scientific career he was 'quite orthodox and quoted the Bible as an unanswerable authority on some point of morality.' Even when he wrote 'The Origin of Species' the thought of 'a First Cause, having an intelligent mind in some degree analogous to man' was strong in his mind. It was after that time that 'very gradually, with many fluctuations,' his belief in God became weaker.

"He traces this decline for us and concludes by telling us that he cannot pretend to throw the least light on such abstruse problems—the religious problems above referred to. Then comes the flat statement that he 'must be content to remain an agnostic'; and to make clear what he means by the word 'agnostic,' he says that 'the mystery of the beginning of all things is insoluble by us'—not by him alone, but by everybody. Here we have the effect of evolution upon its most distinguished exponent; it led him from an orthodox Christian, believing every word of the Bible and in a personal God, down and down and down to helpless and hopeless agnosticism.

"But there is one sentence upon which I reserved comment—

it throws light upon his downward pathway. 'Then arises the doubt, can the mind of man which has, as I fully believe, been developed from a mind as low as that possessed by the lowest animals, be trusted when it draws such grand conclusions?'

"Here is the explanation; he drags man down to the brute level, and then, judging man by brute standards, he questions whether man's mind can be trusted to deal with 'God and immortality.'

"It is belief in evolution that has caused so many scientists and so many Christians to reject the miracles of the Bible, and then give up, one after another, every vital truth of Christianity. They finally cease to pray and sunder the tie that binds them to their Heavenly Father.

"The miracle should not be a stumbling block to any one. It raises but three questions: First: Could God perform a miracle? Yes, the God who created the universe can do anything He wants to with it. He can temporarily suspend any law that He has made, or He may employ higher laws that we do not understand.

"Second: Would God perform a miracle? To answer that question in the negative one would have to know more about God's plans and purposes than a finite mind can know, and yet some are so wedded to evolution that they deny that God would perform a miracle merely because a miracle is inconsistent with evolution.

"If we believe that God can perform a miracle and might desire to do so, we are prepared to consider with open mind the third question, namely, Did God perform the miracles recorded in the Bible? The same evidence that establishes the authority of the Bible establishes the truth of the record of miracles performed.

"Do these evolutionists stop to think of the crime they commit when they take faith out of the hearts of men and women and lead them out into a starless night? What pleasure can they find in robbing a human being of the hallowed glory of that creed and in substituting the lonely mystery of existence. Can the fathers and mothers of Tennessee be blamed for trying to protect their children from such a tragedy?

"If any one has been led to complain of the severity of the

punishment that hangs over the defendant let him compare this crime and its mild punishment with the crimes for which a greater punishment is prescribed. What is the taking of a few dollars from one in day or night in comparison with the crime of leading one away from God and away from Christ?

"Shakespeare regards the robbing of one of his good name as much more grave than the stealing of his purse. But we have a higher authority than Shakespeare's to invoke in this connection. He who spake as never man spake thus describes the crimes that are committed against the young: 'It is impossible but that offenses will come; but woe unto him through whom they come. It were better for him that a millstone were hanged about his neck and he be cast into the sea than that he should offend one of these little ones.'[1]

"Christ did not overdraw the picture. Who is able to set a price upon the life of a child—a child into whom a mother has poured her life and for whom a father has labored? What may a noble life mean to the child itself, to the parents, and to the world?

"And it must be remembered that we can measure the effect on only that part of life which is spent on earth; we have no way of calculating the effect on that infinite circle of life of which existence here is but a small arc.

"The soul is immortal and religion deals with the soul; the logical effect of the evolutionary hypothesis is to undermine religion and thus affect the soul.

"The real attack of evolution, it will be seen, is not upon orthodox Christianity, or even upon Christianity, but upon religion—the most basic fact in man's existence and the most practical thing in life.

"But I have some more evidence of the effect of evolution upon the life of those who accept it and try to harmonize their thought with it.

"James H. Leuba, a professor of psychology at Bryn Mawr College, Pennsylvania, published a few years ago a book entitled 'Belief in God and Immortality.' In this book he relates how he obtained the opinions of scientists on the existence of a personal God and a personal immortality.

[1] Luke 17:1, 2.

"He used a volume entitled 'American Men of Science,' which, he says, included the names of 'practically every American who may properly be called a scientist.' There were 5,500 names in the book. He selected 1,000 names as representative of the 5,500 and addressed them personally. Most of them, he said, were teachers in schools of higher learning. The names were kept confidential.

"Upon the answers received, he asserts that over half of them doubt or deny the existence of a personal God and a personal immortality, and he asserts that unbelief increases in proportion to prominence, the percentage of unbelief being greatest among the most prominent. Among biologists, believers in a personal God numbered less than 31 per cent, while believers in a personal immortality numbered only 37 per cent.

"He also questioned the students in nine colleges of high rank and from 1,000 answers received, 97 per cent of which were from students between eighteen and twenty, he found that unbelief increased from 15 per cent in the freshman class up to 40 to 45 per cent among the men who were graduated.

"On page 280 of this book we read: 'The students' statistics show that young people enter college possessed of the beliefs still accepted, more or less perfunctorily, in the average home of the land and gradually abandon the cardinal Christian beliefs.' This change from belief to unbelief he attributes to the influence of the persons 'of high culture under whom they studied.'

"The people of Tennessee have been patient enough; they acted none too soon. How can they expect to protect society and even the Church, from the deadening influence of agnosticism if they permit the teachers employed by taxation to poison the minds of the youth with this destructive doctrine? And remember that the law has not heretofore required the writing of the word 'poison' on poisonous doctrines. The bodies of our people are so valuable that druggists and physicians must be careful to label properly all poisons; why not be as careful to protect the spiritual life of our people from the poisons that kill the soul?

"There is a test that is sometimes used to ascertain whether one suspected of mental infirmity is really insane. He is put into a tank of water and told to dip the tank dry while a stream of water flows into the tank. If he has not sense enough to turn

off the water he is adjudged insane. Can parents justify themselves if, knowing the effect of belief in evolution, they permit irreligious teachers to inject skepticism and infidelity in the minds of their children? Do bad doctrines corrupt the morals of students?

"We have a case in point. Mr. Darrow, one of the most distinguished criminal lawyers in our land, was engaged about a year ago in defending two rich men's sons who were on trial for as dastardly a murder as was ever committed. The older one, Babe Leopold, was a brilliant student, nineteen years old. He was an evolutionist and an atheist. He was also a follower of Nietzsche, whose books he had devoured and whose philosophy he had adopted.

"Mr. Darrow made a plea for him, based upon the influence that Nietzsche's philosophy had exerted upon the boy's mind. Here are extracts from his speech:

" 'Babe took to philosophy. . . . He grew up in this way; he became enamoured by the philosophy of Nietzsche. Your Honor, I have read almost everything that Nietzsche ever wrote. A man of wonderful intellect; the most original philosopher of the last century. A man who made a deeper imprint in philosophy than any other man within a hundred years, whether right or wrong. . . .

" 'I have just made a few short extracts from Nietzsche that show the things that he [Leopold] has read and these are short and almost taken at random. It is not how this would affect you. It is not how it would affect me. The question is, How it would affect the impressionable, visionary, dreamy mind of a boy—a boy who should never have seen it—too early for him?'

"Quotation from Nietzsche: 'Why so soft, O my brethren? Why so soft, so unresisting and yielding? Why is there so much disavowal and abnegation in your heart? Why is there so little fate in your looks? For all creators are hard and it must seem blessedness unto you to press your hand upon millenniums and upon war. This new table, O my brethren, I put over you; become hard. To be obsessed by moral consideration presupposes a very low grade of intellect. We should substitute for morality the will to our own end, and consequently to the means to accomplish that.

"'A great man, a man whom nature has built up and invented in a grand style, is colder, harder, less cautious, and more free from the fear of public opinion. He does not possess the virtues which are compatible with respectability, with being respected, nor any of those things which are counted among the virtues of the herd.'

"Mr. Darrow says: 'The superman, a creation of Nietzsche, has permeated every college and university in the civilized world.

"'There is not any university in the world where the professor is not familiar with Nietzsche, not one. Some believe it and some do not believe it. Some read it as I do and take it as a theory, a dream, a vision, mixed with good and bad, but not in any way related to human life. Some take it seriously. There is not a university in the world of any high standing where the professors do not tell you about Nietzsche and discuss him, or where the books are not there.

"'If this boy is to blame for this, where did he get it? Is there any blame attached because somebody took Nietzsche's philosophy seriously and fashioned his life upon it? And there is no question in this case but what that is true. Then who is to blame? The university would be more to blame than he is; the scholars of the world would be more to blame than he is. The publishers of the world are more to blame than he is. Your Honor, it is hardly fair to hang a nineteen-year-old boy for the philosophy that was taught him at the university. It does not meet my ideas of justice and fairness to visit upon his head the philosophy that has been taught by university men for twenty-five years.'

"In fairness to Mr. Darrow, I think I ought to quote two more paragraphs. After this bold attempt to excuse the student on the ground that he was transformed from a well-meaning youth into a murderer by the philosophy of an atheist, and on the further ground that this philosophy was in the libraries of all the colleges and discussed by the professors—some adopting the philosophy and some rejecting it—on these two grounds he denies that the boy should be held responsible for the taking of human life.

"He charges that the scholars in the universities were more responsible than the boy, and that the universities were more responsible than the boy, because they furnished such books to

the students, and then he proceeds to exonerate the universities and the scholars, leaving nobody responsible. Here is Mr. Darrow's language:

" 'Now, I do not want to be misunderstood about this. Even for the sake of saving the lives of my clients, I do not want to be dishonest and tell the Court something that I do not honestly think in this case. I do not think that the universities are to blame. I do not think they should be held responsible. I do think, however, that they are too large and that they should keep a closer watch, if possible, upon the individual.

" 'But you cannot destroy thought because, forsooth, some brain may be deranged by thought. It is the duty of the university, as I conceive it, to be the greatest storehouse of the wisdom of the ages and to have its students come there and learn and choose. I have no doubt but what it has meant the death of many, but that we cannot help.'

"This is a damnable philosophy, and yet it is the flower that blooms on the stalk of evolution. Mr. Darrow thinks the universities are in duty bound to feed out this poisonous stuff to their students, and when the students become stupefied by it and commit murder, neither they nor the universities are to blame.

"A criminal is not relieved from responsibility merely because he found Nietzsche's philosophy in a library which ought not to contain it. Neither is the university guiltless if it permits such corrupting nourishment to be fed to the souls that are intrusted to its care.

"But, go a step farther, would the State be blameless if it permitted the universities under its control to be turned into training schools for murderers? When you get back to the root of this question, you will find that the Legislature not only had a right to protect the students from the evolutionary hypothesis, but was in duty bound to do so.

"While on this subject let me call your attention to another proposition embodied in Mr. Darrow's speech. He said that Dicky Loeb, the younger boy, had read trashy novels, of the blood and thunder sort. He even went so far as to commend an Illinois statute which forbids minors reading stories of crime. Here is what Mr. Darrow said: 'We have a statute in this State, passed only last year, if I recall it, which forbids minors reading

stories of crime. Why? There is only one reason; because the Legislature in its wisdom thought it would have a tendency to produce these thoughts and this life in the boys who read them.'

"If Illinois can protect her boys, why cannot this State protect the boys of Tennessee? Are the boys of Illinois any more precious than yours?

"But let me complete Mr. Darrow's philosophy based on evolution. He says: 'I do not know what remote ancestor may have sent down the seed that corrupted him, and I do not know through how many ancestors it may have passed until it reached Dicky Loeb. All I know is, it is true, and there is not a biologist in the world who will not say I am right.'

"Psychologists who build upon the evolutionary hypothesis teach that man is nothing but a bundle of the characteristics inherited from brute ancestors. That is the philosophy which Mr. Darrow applied in this celebrated criminal case. 'Some remote ancestor'—he does not know how remote—'sent down the seed that corrupted him.' You cannot punish the ancestor—he is not only dead, but, according to the evolutionists, he was a brute and may have lived a million years ago. And he says that all the biologists agree with him—no wonder so small a percentage of the biologists, according to Leuba, believe in a personal God.

"This is the quintessence of evolution, distilled for us by one who follows that doctrine to its logical conclusion.

"Analyze this dogma of darkness and death. Evolutionists say that back in the twilight of life, a beast, name and nature unknown, planted a murderous seed and that the impulse that originated in that seed throbs forever in the blood of the brute's descendants, inspiring killings innumerable, for which murderers are not responsible because coerced by a fate fixed by the laws of heredity. It is an insult to reason and shocks the heart. That doctrine is as deadly as leprosy; it may aid a lawyer in a criminal case, but it would, if generally adopted, destroy all sense of responsibility and menace the morals of the world. A brute, they say, can predestine a man to crime, and yet they deny that God incarnate in the flesh can release a human being from this bondage or save him from ancestral sins.

"No more repulsive doctrine was ever proclaimed by man; if all the biologists of the world teach this doctrine—as Mr. Dar-

row says they do—then may heaven defend the youth of our land from their impious babblings.

"Our third indictment against evolution is that it diverts attention from pressing problems of great importance to trifling speculations. While one evolutionist is trying to imagine what happened in the dim past, another is trying to pry open the door of the distant future.

"One recently grew eloquent over ancient worms, and another predicted that 75,000 years hence every one will be bald and toothless. Both those who endeavor to clothe our remote ancestors with hair and those who endeavor to remove the hair from the heads of our remote descendants ignore the present with its imperative demands. The science of 'how to live' is the most important of all the sciences, but it is necessary to know how to live.

"Christians desire that their children shall be taught all the sciences, but they do not want them to lose sight of the Rock of Ages while they study the age of rocks; neither do they desire them to become so absorbed in measuring the distance between the stars that they will forget Him who holds the stars in His hand.

"While not more than two per cent of our population are college graduates, these, because of enlarged powers, need a 'heavenly vision' even more than those less learned, both for their own restraint and to assure society that their enlarged powers will be used for the benefit of society and not against the public welfare.

"The cry in the business world, in the industrial world, in the professional world, in the political world—even in the religious world—is for consecrated talents—for ability plus a passion for service.

"Our fourth indictment against the evolutionary hypothesis is that, by paralyzing the hope of reform, it discourages those who labor for the improvement of man's condition. Every upward-looking man or woman seeks to lift the level upon which mankind stands, and they trust that they will see beneficent changes during the brief span of their own lives.

"Evolution chills their enthusiasm by substituting eons for years. It obscures all beginnings in the mists of endless ages. It is represented as a cold and heartless process, beginning with time and ending in eternity, and acting so slowly that even the rocks cannot preserve a record of the imaginary changes through which it is credited with having carried an original germ of life that appeared some time from somewhere.

"Its only program for man is scientific breeding, a system under which a few supposedly superior intellects, self-appointed, would direct the mating and the movements of the mass of mankind—an impossible system. Evolution, disputing the miracle, and ignoring the spiritual in life, has no place for the regeneration of the individual. It recognizes no cry of repentance and scoffs at the doctrine that one can be born again.

"It is thus the intolerant and unrelenting enemy of the only process that can redeem society through the redemption of the individual. An evolutionist would never write such a story as 'The Prodigal Son'; it contradicts the whole theory of evolution. The two sons inherited from the same parents and, through their parents, from the same ancestors, proximate and remote.

"And these sons were reared at the same fireside and were surrounded by the same environment during all the days of their youth; and yet they were different. If Mr. Darrow is correct in the theory applied to Loeb, namely, that his crime was due either to inheritance or to environment, how will he explain the difference between the elder brother and the wayward son?

"The evolutionist may understand from observation, if not by experience, even though he cannot explain, why one of these boys was guilty of every immorality, squandered the money that the father had laboriously earned and brought disgrace upon the family name; but his theory does not explain why a wicked young man underwent a change of heart, confessed his sin, and begged for forgiveness.

"And because the evolutionists cannot understand this fact, one of the most important in the human life, he cannot understand the infinite love of the Heavenly Father who stands ready to welcome home any repentant sinner, no matter how

far he has wandered, how often he has fallen, or how deep he has sunk in sin.

"Your Honor has quoted from a wonderful poem written by a great Tennessee poet, Walter Malone. I venture to quote another stanza which puts into exquisite language the new opportunity which a merciful God gives to every one who will turn from sin to righteousness:

Though deep in mire, wring not your hands and weep:
I lend my arm to all who say 'I can.'
No shame-faced outcast ever sank so deep
But he might rise and be again a man.

"There are no lines like these in all that evolutionists have ever written. Darwin says that science has nothing to do with the Christ who taught the spirit embodied in the words of Walter Malone, and yet this spirit is the only hope of human progress. A heart can be changed in the twinkling of an eye and a change in the life follows a change in the heart.

"It is because Christians believe in individual regeneration and in the regeneration of society through the regeneration of individuals that they pray, 'Thy kingdom come, Thy will be done on earth as it is in Heaven.' Evolution makes a mockery of the Lord's Prayer.

"Our fifth indictment of the evolutionary hypothesis is that if taken seriously and made the basis of a philosophy of life, it would eliminate love and carry man back to a struggle of tooth and claw.

"The Christians who have allowed themselves to be deceived into believing that evolution is a beneficent, or even a rational, process have been associating with those who either do not understand its implications or dare not avow their knowledge of these implications. Let us give you some authority on this subject. I will begin with Darwin, the high priest of evolution, to whom all evolutionists bow.

"On pages 149 and 150, in 'The Descent of Man,' already referred to, he says:

" 'With savages the weak in body or mind are soon eliminated, and those that survive commonly exhibit a vigorous state of health. We civilized men, on the other hand, do our utmost to

check the process of elimination; we build asylums for the imbecile, the maimed, and the sick; we institute poor laws; and our medical men exert their utmost skill to save the life of every one to the last moment. There is reason to believe that vaccination has preserved thousands who from a weak constitution would formerly have succumbed to smallpox. Thus the weak members of civilized society propagate their kind.

" 'The aid which we feel impelled to give to the helpless is mainly an incidental result of the instinct of sympathy, which was originally acquired as part of the social instincts, but subsequently rendered, in the manner previously indicated, more tender and more widely diffused. Nor could we check our sympathy, even at the urging of hard reason, without deterioration in the noblest part of our nature. We must therefore bear the undoubtedly bad effects of the weak serving and propagating their kind.'

"Let us analyze the quotation just given. Darwin speaks with approval of the savage custom of eliminating the weak, so that only the strong will survive, and complains that 'we civilized men do our utmost to check the process of elimination.' How inhuman such a doctrine as this!

"He thinks it injurious to 'build asylums for the imbecile, the maimed and the sick, or to care for the poor.' All of the sympathetic activities of civilized society are condemned because they enable 'the weak members to propagate their kind.'

"Then he drags mankind down to the level of the brute and compares the freedom given to man unfavorably with the restraint that we put on barnyard beasts.

"Let no one think that this acceptance of barbarism as the basic principle of evolution died with Darwin. Within three years a book has appeared whose author is even more frankly brutal than Darwin. The book is entitled 'The New Decalogue of Science' and has attracted wide attention. One of our most reputable magazines has recently printed an article by him defining the religion of a scientist.

"In his preface he acknowledges indebtedness to twenty-one prominent scientists and educators, nearly all of them 'doctors' and 'professors.' One of them, who has recently been elevated to the head of a great state university, read the manuscript over twice 'and made many invaluable suggestions.'

"The author describes Nietzsche, who, according to Mr. Darrow, made a murderer out of 'Babe' Leopold, as 'the bravest soul since Jesus.'

"He admits that Nietzsche was 'gloriously wrong,' not certainly, but 'perhaps,' 'in many details of technical knowledge,' but he affirms that 'Nietzsche was gloriously right in his fearless questioning of the universe and of his own soul.'

"In another place the author says 'most of our morals today are jungle products,' and then he affirms that 'it would be safer, biologically, if they were more so now.' After these two samples of his views you will not be surprised when I read you the following (see page 34):

"'Evolution is a bloody business, but civilization tries to make it a pink tea. Barbarism is the only process by which man has ever organically progressed, and civilization is the only process by which he has ever organically declined. Civilization is the most dangerous enterprise upon which man ever set out. For when you take man out of the bloody, brutal but beneficent hand of natural selection you place him at once in the soft, perfumed, daintily gloved, but far more dangerous hand of artificial selection. And unless you call science to your aid and make this artificial selection as efficient as the rude methods of nature you bungle the whole task.'

"This aspect of evolution may amaze some of the ministers who have not been admitted to the inner circle of the iconoclasts whose theories menace all the ideals of civilized society. Do these ministers know that 'evolution is a bloody business'? Do they know that 'civilization is the only process by which man has ever organically declined?' Do they know that 'the bloody, brutal hand of natural selection' is 'beneficent' and that 'the artificial selection' found in civilization is 'dangerous'? What shall we think of the distinguished educators and scientists who read the manuscript before publication and did not protest against this pagan doctrine?

"To show that this is a world-wide matter, I now quote from a book issued from the press in 1918, seven years ago. The title of the book is 'The Science of Power,' and its author, Benjamin Kidd, being an Englishman, could not have any national preju-

dice against Darwin. On pages 46 and 47 we find Kidd's interpretation of evolution:

" 'Darwin's presentation of the evolution of the world as the product of natural selection in never-ceasing war—as a product, that is to say, of a struggle in which the individual efficient in the fight for his own interests was always the winning type—touched the profoundest depths of the psychology of the West. The idea seemed to present the whole order of progress in the world as the result of a purely mechanical and materialistic process resting on force. In so doing it was a conception which reached the springs of that heredity born of the unmeasured ages of conquest out of which the Western mind has come.' Within half a century the 'Origin of Species' had become the Bible of the doctrine of the omnipotence of force.

"Kidd goes so far as to charge that 'Nietzsche's teaching represented the interpretation of the popular Darwinism delivered with the fury and intensity of genius.' And Nietzsche, be it remembered, denounced Christianity as the 'doctrine of the degenerate,' and democracy as 'the refuge of weaklings.'

"Kidd says that Nietzsche gave Germany the doctrine of Darwin's efficient animal in the voice of his superman, and that Bernhardi and the military textbooks in due time gave Germany the doctrine of the superman translated into the national policy of the superstate aiming at world power. (Page 67.)

"And what else but the spirit of evolution can account for the popularity of the selfish doctrine, 'each one for himself, and the devil take the hindmost,' that threatens the very existence of the doctrine of brotherhood.

"In 1900—twenty-five years ago—while an international peace congress was in session in Paris, the following editorial appeared in *L'Universe:*

" 'The spirit of peace has fled the earth because evolution has taken possession of it. The plea for peace in past years has been inspired by faith in the divine nature and the divine origin of man; men were then looked upon as children of apes. What matters it whether they are slaughtered or not?'

"When there is poison in the blood, no one knows on what part of the body it will break out, but we can be sure that it will continue to break out until the blood is purified. One of the leading universities of the South (I love the state too well

to mention its name) published a monthly magazine entitled 'Journal of Social Forces.' In the January issue of this year, a contributor has a lengthy article on 'Sociology and Ethics,' in the course of which he says:

" 'No attempt will be made to take up the matter of the good or evil of sexual intercourse among humans aside from the matter of conscious procreation, but as an historian it might be worth while to ask the exponents of the impurity complex to explain the fact that, without exception, the great periods of cultural efflorescence have been those characterized by a large amount of freedom in sex relations, and that those of the greatest cultural degradation and decline have been accomplished with greater sex repression and purity.'

"No one charges or suspects that all or any large percentage of the advocates of evolution sympathize with this loathsome application of evolution to social life, but it is worth while to inquire why those in charge of a great institution of learning allow such filth to be poured out for the stirring of the passions of its students.

"Let us, then, hear the conclusion of the whole matter. Science is a mangificent material force, but it is not a teacher of morals. It can perfect machinery, but it adds no moral restraints to protect society from the misuse of the machine. It can also build gigantic intellectual ships, but it constructs no moral rudders for the control of storm-tossed human vessels. It not only fails to supply the spiritual element needed, but some of its unproven hypotheses rob the ship of its compass and thus endanger its cargo.

"In war, science has proven itself an evil genius; it has made war more terrible than it ever was before. Man used to be content to slaughter his fellowmen on a single plane—the earth's surface. Science has taught him to go down into the water and shoot up from below, and to go up into the clouds and shoot down from above, thus making the battlefield three times as bloody as it was before; but science does not teach brotherly love.

"Science has made war so hellish that civilization was about to commit suicide; and now we are told that newly discovered instruments of destruction will make the cruelties of the late

war seem trivial in comparison with the cruelties of wars that may come in the future.

"If civilization is to be saved from the wreckage threatened by intelligence not consecrated by love, it must be saved by the moral code of the meek and lowly Nazarene. His teachings, and His teachings alone can solve the problems that vex the heart and perplex the world.

"The world needs a saviour more than it ever did before, and there is only one name under heaven given among men whereby we must be saved. It is this name that evolution degrades, for, carried to its logical conclusion, it robs Christ of the glory of a Virgin birth, of the majesty of His deity and mission, and of the triumph of His resurrection. It also disputes the doctrine of the atonement.

"This case is no longer local; the defendant ceases to play an important part. The case has assumed the proportions of a battle royal between unbelief that attempts to speak through so-called science and the defenders of the Christian faith, speaking through the legislators of Tennessee.

"It is again a choice between God and Baal; it is also a renewal of the issue in Pilate's court.

"In that historic trial—the greatest in history—force, impersonated by Pilate, occupied the throne. Behind it was the Roman Government, mistress of the world, and behind the Roman Government were the legions of Rome. Before Pilate stood Christ, the Apostle of love. Force triumphed; they nailed him to the tree and those who stood around mocked and jeered and said, 'He is dead.' But from that day the power of Cæsar waned and the power of Christ increased. In a few centuries the Roman Government was gone and its legions forgotten; while the crucified and risen Lord has become the greatest fact in history and the growing figure of all time.

"Again force and love meet face to face, and the question, 'What shall I do with Jesus?' must be answered. A bloody, brutal doctrine—evolution—demands, as the rabble did 1900 years ago, that He be crucified. That cannot be the answer of this jury, representing a Christian State and sworn to uphold the laws of Tennessee.

"Your answer will be heard throughout the world; it is eagerly awaited by a praying multitude. If the law is nullified,

there will be rejoicing wherever God is repudiated, the Saviour scoffed at, and the Bible ridiculed. Every unbeliever of every kind and degree will be happy.

"If, on the other hand, the law is upheld and the religion of the school children protected, millions of Christians will call you blessed and, with hearts full of gratitude to God, will sing again that grand old song of triumph:

Faith of our Fathers, living still,
In spite of dungeon, fire and sword;
O, how our hearts beat high with joy,
Whene'er we hear that glorious word!
Faith of our fathers—holy faith;
We will be true to thee till death!

APPENDIX

WILLIAM JENNINGS BRYAN

PERHAPS the most common knowledge about William Jennings Bryan, at least prior to the affair at Dayton, is the fact that he ran three times for the Presidency of the United States. But his pronounced ability as an orator made him known to hundreds of thousands of Americans, not only through his political campaigns and the large part he played in several national Democratic conventions, but also through his religious speeches from Chautauqua and many other lecture platforms.

The Bryan career may be divided into three phases: politics, his writing and public speaking in behalf of issues such as woman suffrage, peace, and prohibition, and its final phase—his campaign against the teaching of evolution in the public schools.

Indeed, soon after his first presidential nomination he became impressed with what he regarded as the "chilling influence" of the evolutionary theory upon the spiritual enthusiasm of students. His first religious address of size, "The Prince of Peace," contained a positive denial of the theory. Later his anti-evolution writings included the books, "Back to God," "The Menace of Darwinism," "In His Image," "Heart to Heart Appeals," and "The Bible and Its Enemies."

Toward the close of his career, the Bible seemed to have superseded all other subjects in his mind. Previous to the Dayton trial, he had spoken in behalf of anti-evolution laws on several platforms and before Legislatures. A few days before the trial he delivered a speech in which he said that the evolution issue would be carried to the people.

When he died, Mr. Bryan was planning a Fundamentalist, anti-evolution crusade on a national scale. He did not claim to have initiated the Tennessee anti-evolution law, although he admitted that the action of the Tennessee Legislature might have been influenced by some of his writings or his anti-evolution resolution, passed by the Florida Legislature two years

previously. He admitted also that he was the direct representative of the Fundamentalists at the trial.

Mr. Bryan was to have sailed on a trip to the Holy Land, in February, 1926, accompanied by several hundred of his followers. The plan was to follow as nearly as possible the footsteps of Jesus Christ as recorded in the Gospels. His friends say Mr. Bryan was planning this journey as the climax of his career. On Easter Day, he would have preached a sermon from the Mount of Olives.

Among the thousands of tributes paid to Mr. Bryan, perhaps the most significant for the purposes of this record are those of his opponents in the Scopes trial.

"He was a man of strong convictions and always espoused his cause with ability and courage," said Clarence Darrow. "I differed from him on many questions but always respected his sincerity and devotion."

Mr. Malone said: "We radically differed over the issues raised there, but Mr. Bryan, like all great fighters, was a generous foe and after our debate he was the first to come to me with his affectionate congratulations. He said he was happy that, with such intense convictions on both sides, we had been able to exercise such self-restraint. Mr. Bryan will always be affectionately remembered by his countrymen for the valor and the gallantry with which he fought for his causes."

"Mr. Bryan was a tremendous fighter," said Arthur Garfield Hays, "and always was certain of himself. Had he wished to remain off the stand at Dayton, he would have had the support of the Court, but he was so sure of his position, he thought nothing could demolish it. I doubt if Mr. Bryan realized, even afterward, the public effect of his testimony. Defense counsel left Dayton happy in the thought that they had won a moral victory, but the taste is bitter when followed by such a tragic ending. While we all disagreed with Mr. Bryan and considered his views a menace, yet we admired his fighting gameness, his sureness, and his courage."

CLARENCE DARROW

MEN, as well as political conventions, have keynotes. Clarence Darrow's keynote has been sounded by himself:

"I may have earned friends as well as most men, for I have tried to play the game fair. I have never judged any man. I have harmed none consciously. I have had sympathy for all. I have done my best to understand the manifold conditions that surround and control each human life."

Understanding those conditions, he has always been willing to defend any man. "A pleader of lost causes," his friends have called him.

There was the negro out in Darrow's home State, Ohio, whom he defended in two courts without fee; and after sentence had been finally passed on the man, the young lawyer, still convinced of his client's innocence, supported his family. And there was the cobbler whom Darrow defended from the charge of Communism just after the World War—a time when such action was popularly stamped a paid Moscow propaganda.

Darrow gave up manual labor when he was a boy—hay pitching and potato bug chasing lamed his back; but soon after he began to practice law in Chicago he became interested in labor affairs. He defended Eugene V. Debs, Socialist leader, in the American Railroad Union conspiracy case, resigning his position as counsel for the Chicago Northwestern Railroad Company for that purpose. He was chief counsel for John Mitchell and the anthracite miners in the coal strike arbitration of 1902-3, and he also defended the McNamara brothers in the case growing out of the explosion of a bomb in the Los Angeles Times Building, and Moyer, Haywood, and Pettibone in the Steunenberg murder trial.

Perhaps the most famous lost cause for which Mr. Darrow has fought was the defense of Richard Loeb and Nathan Leopold in Chicago, in 1924. These boys pleaded guilty and Mr. Darrow argued for them on the question of aggravation and

mitigation. Since Mr. Bryan has made much of the Darrow plea in this case, it may be interesting to note that the following quotation from Omar Khayyam closed that plea:

> "So I be written in the Book of Love,
> I do not care about the Book above.
> Erase my name or write it as you will,
> So I be written in the Book of Love."

Loeb and Leopold were sentenced to the penitentiary, but the Darrow plea in their behalf is recognized as a master piece.

"Your Honor may hang these boys. . . . In doing it you will turn your face toward the past. In doing it you will make it harder for every other boy who in ignorance and darkness must grope his way through the mazes which only childhood knows. . . . You may save them and make it easier for every child that some time may stand where these boys stand. . . . I am pleading for the future; I am pleading for a time when hatred and cruelty will not control the hearts of men; when we can learn by reason and judgment and understanding and faith that all life is worth saving, and that mercy is the highest attribute of man."

Mr. Darrow accepted the leadership of the Scopes defense after he had heard that Mr. Bryan was to argue for the State.

Mr. Darrow says that he became an agnostic because of his wide reading from his youth. What agnosticism means to him he explained during the Dayton trial, and he has also said:

"I feel that I am as good, if not a better man, than many so-called Christians. You know it was said, 'Judge not, that ye be not judged.' I do not judge a man. I defend him."

Mr. Darrow was born in Kinsman, Ohio, on April 18, 1857, three years before the birth of Mr. Bryan. He has supplemented his public school education with wide reading and intensive study, and in addition to several of his legal arguments, the following books by him have been published:

"Crime; Its Causes and Treatment," "Persian Pearl and Other Essays," "Farmington" (a novel based on his boyhood days), "Resist Not Evil," and "An Eye for an Eye."

CHAPTER 1.

IN the beginning God created the heaven and the earth.

2 And the earth was without form, and void; and darkness *was* upon the face of the deep. And the Spirit of God moved upon the face of the waters.

3 And God said, Let there be light: and there was light.

4 And God saw the light, that *it was* good: and God divided the light from the darkness.

5 And God called the light Day, and the darkness he called Night. And the evening and the morning were the first day.

6 And God said, Let there be a firmament in the midst of the waters, and let it divide the waters from the waters.

7 And God made the firmament and divided the waters which *were* under the firmament from the waters which *were* above the firmament: and it was so.

8 And God called the firmament Heaven. And the evening and the morning were the second day.

9 And God said, Let the waters under the heaven be gathered together unto one place, and let the dry *land* appear: and it was so.

10 And God called the dry *land* Earth; and the gathering together of the waters called he Seas: and God saw that *it was* good.

11 And God said, Let the earth bring forth grass, the herb yielding seed, *and* the fruit tree yielding fruit after his kind, whose seed *is* in itself, upon the earth: and it was so.

12 And the earth brought forth grass, *and* herb yielding seed after his kind, and the tree yielding fruit, whose seed *was* in itself, after his kind: and God saw that *it was* good.

13 And the evening and the morning were the third day.

14 And God said, Let there be lights in the firmament of the heaven to divide the day from the night; and let them be for signs, and for seasons, and for days, and years:

15 And let them be for lights in the firmament of the heaven to give light upon the earth: and it was so.

16 And God made two great lights; the greater light to rule the day, and the lesser light to rule the night: *he made* the stars also.

17 And God set them in the firmament of the heaven to give light upon the earth,

18 And to rule over the day and over the night, and to divide the light from the darkness: and God saw that *it was* good.

19 And the evening and the morning were the fourth day.

20 And God said, Let the waters bring forth abundantly the moving creature that hath life, and fowl *that* may fly above the earth in the open firmament of heaven.

21 And God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind: and God saw that *it was* good.

22 And God blessed them, saying, Be fruitful, and multiply, and fill the waters in the seas, and let fowl multiply in the earth.

23 And the evening and the morning were the fifth day.

24 And God said, Let the earth bring forth the living creature after his kind, cattle, and creeping thing, and beast of the earth after his kind: and it was so.

25 And God made the beast of the earth after his kind, and cattle after their kind, and every thing that creepeth upon the earth after his kind: and God saw that *it was* good.

26 And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

27 So God created man in his *own* image, in the image of God created he him; male and female created he them.

28 And God blessed them, and God said unto them, Be fruitful, and multiply and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

29 And God said, Behold, I have given you every herb bearing seed, which *is* upon the face of all the earth, and every tree, in the which *is* the fruit of a tree yielding seed; to you it shall be for meat.

30 And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein *there is* life, *I have given* every green herb for meat: and it was so.

31 And God saw every thing that he had made, and, behold, *it was* very good. And the evening and the morning were the sixth day.

CHAPTER 2.

THUS the heavens and the earth were finished, and all the host of them.

2 And on the seventh day God ended his work which he had made; and he rested on the seventh day from all his work which he had made.

3 And God blessed the seventh day, and sanctified it: because that in it he had rested from all his work which God created and made.

4 These *are* the generations of the heavens and of the earth when they were created, in the day that the LORD God made the earth and the heavens.

5 And every plant of the field before it was in the earth, and every herb of the field before it grew: for the LORD God had not caused it to rain upon the earth, and *there was* not a man to till the ground.

6 But there went up a mist from the earth, and watered the whole face of the ground.

7 And the LORD God formed man *of* the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.

8 And the LORD God planted a garden eastward in Eden; and there he put the man whom he had formed.

9 And out of the ground made the LORD God to grow every tree that is pleasant to the sight, and good for food; the tree of life also in the midst of the garden, and the tree of knowledge of good and evil.

10 And a river went out of Eden to water the garden; and from thence it was parted, and became into four heads.
11 The name of the first *is* Pison; that *is* it which compasseth the whole land of Havilah, where *there is* gold;
12 And the gold of that land *is* good; there *is* bdellium and the onyx stone.
13 And the name of the second river *is* Gihon: the same *is* it that compasseth the whole land of Ethiopia.
14 And the name of the third river *is* Hiddekel: that *is* it which goeth toward the east of Assyria. And the fourth river *is* Euphrates.
15 And the LORD God took the man, and put him into the garden of Eden to dress it and to keep it.
16 And the LORD God commanded the man, saying, Of every tree of the garden thou mayest freely eat:
17 But of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die.
18 And the LORD God said, *it is* not good that the man should be alone; I will make him an help meet for him.
19 And out of the ground the LORD God formed every beast of the field, and every fowl of the air; and brought *them* unto Adam to see what he would call them: and whatsoever Adam called every living creature, that *was* the name thereof.
20 And Adam gave names to all cattle, and to the fowl of the air, and to every beast of the field; but for Adam there was not found an help meet for him.
21 And the LORD God caused a deep sleep to fall upon Adam, and he slept: and he took one of his ribs, and closed up the flesh instead thereof;
22 And the rib, which the LORD God had taken from man, made he a woman, and brought her unto the man.
23 And Adam said, This *is* now bone of my bones, and flesh of my flesh: she shall be called Woman, because she was taken out of Man.
24 Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.
25 And they were both naked, the man and his wife, and were not ashamed.

CHAPTER 3.

NOW the serpent was more subtile than any beast of the field which the LORD God had made. And he said unto the woman, Yea, hath God said, Ye shall not eat of every tree of the garden.
2 And the woman said unto the serpent, We may eat of the fruit of the trees of the garden:
3 But of the fruit of the tree which *is* in the midst of the garden, God hath said, Ye shall not eat of it, neither shall ye touch it, lest ye die.
4 And the serpent said unto the woman, Ye shall not surely die:
5 For God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil.
6 And when the woman saw that the tree *was* good for food, and that it *was* pleasant to the eyes, and a tree to be desired to make *one* wise, she

took of the fruit thereof, and did eat, and gave also unto her husband with her; and he did eat.

7 And the eyes of them both were opened, and they knew that they *were* naked; and they sewed fig leaves together, and made themselves aprons.

8 And they heard the voice of the LORD God walking in the garden in the cool of the day: and Adam and his wife hid themselves from the presence of the LORD God amongst the trees of the garden.

9 And the LORD God called unto Adam, and said unto him, Where *art* thou?

10 And he said, I heard thy voice in the garden, and I was afraid, because I *was* naked; and I hid myself.

11 And he said, Who told thee that thou *wast* naked? Hast thou eaten of the tree, whereof I commanded thee that thou should not eat?

12 And the man said, The woman whom thou gavest *to be* with me, she gave me of the tree, and I did eat.

13 And the LORD God said unto the woman, What *is* this *that* thou hast done? And the woman said, The serpent beguiled me, and I did eat.

14 And the LORD God said unto the serpent, Because thou hast done this, thou *art* cursed above all cattle, and above every beast of the field; upon thy belly shalt thou go, and dust shalt thou eat all the days of thy life:

15 And I will put enmity between thee and the woman, and between thy seed and her seed; it shall bruise thy head, and thou shalt bruise his heel.

16 Unto the woman he said, I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire *shall be* to thy husband, and he shall rule over thee.

17 And unto Adam he said, Because thou hast hearkened unto the voice of thy wife, and hast eaten of the tree, of which I commanded thee, saying, Thou shalt not eat of it: cursed *is* the ground for thy sake; in sorrow shalt thou eat *of* it all the days of thy life;

18 Thorns also and thistles shall it bring forth to thee; and thou shalt eat the herb of the field;

19 In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it wast thou taken: for dust thou *art*, and unto dust shalt thou return.

20 And Adam called his wife's name Eve; because she was the mother of all living.

21 Unto Adam also and to his wife did the LORD God make coats of skins, and clothed them.

22 And the LORD God said, Behold, the man is become as one of us, to know good and evil: and now, lest he put forth his hand, and take also of the tree of life, and eat, and live for ever:

23 Therefore the LORD God sent him forth from the garden of Eden, to till the ground from whence he was taken.

24 So he drove out the man; and he placed at the east of the garden of Eden Cherubims, and a flaming sword which turned every way, to keep the way of the tree of life.

CHAPTER 4.

AND Adam knew Eve his wife; and she conceived, and bare Cain, and said, I have gotten a man from the LORD.

2 And she again bare his brother Abel. And Abel was a keeper of sheep, but Cain was a tiller of the ground.

3 And in process of time it came to pass, that Cain brought of the fruit of the ground an offering unto the LORD.

4 And Abel, he also brought of the firstlings of his flock and of the fat thereof. And the LORD had respect unto Abel and to his offering:

5 But unto Cain and to his offering he had not respect. And Cain was very wroth, and his countenance fell.

6 And the LORD said unto Cain, Why art thou wroth? and why is thy countenance fallen?

7 If thou doest well, shalt thou not be accepted? and if thou doest not well, sin lieth at the door. And unto thee *shall be* his desire, and thou shalt rule over him.

8 And Cain talked with Abel his brother: and it came to pass, when they were in the field, that Cain rose up against Abel his brother and slew him.

9 And the LORD said unto Cain, Where *is* Abel thy brother? And he said, I know not: *Am* I my brother's keeper?

10 And he said, What hast thou done? the voice of thy brother's blood crieth unto me from the ground.

11 And now *art* thou cursed from the earth, which hath opened her mouth to receive thy brother's blood from thy hand;

12 When thou tillest the ground, it shall not henceforth yield unto thee her strength; a fugitive and a vagabond shalt thou be in the earth.

13 And Cain said unto the Lord, My punishment *is* greater than I can bear.

14 Behold, thou hast driven me out this day from the face of the earth; and from thy face shall I be hid; and I shall be a fugitive and a vagabond in the earth; and it shall come to pass, *that* every one that findeth me shall slay me.

15 And the LORD said unto him, Therefore whosoever slayeth Cain, vengeance shall be taken on him seven-fold. And the LORD set a mark upon Cain, lest any finding him should kill him.

16 And Cain went out from the presence of the LORD, and dwelt in the land of Nod, on the east of Eden.

17 And Cain knew his wife; and she conceived, and bare Enoch: and he builded a city, and called the name of the city, after the name of his son, Enoch.

18 And unto Enoch was born Irad: and Irad begat Mehujael: and Mehujael begat Methusael: and Methusael begat Lamech.

19 And Lamech took unto him two wives: the name of the one *was* Adah, and the name of the other Zilah.

20 And Adah bare Jabal: he was the father of such as dwell in tents, and *of such as have* cattle.

21 And his brother's name *was* Jubal: he was the father of all such as handle the harp and organ.

22 And Zilah, she also bare Tubalcain, an instructor of every artificer in brass and iron: and the sister of Tubalcain *was* Naamah.

23 And Lamech said unto his wives, Adah and Zillah, Hear my voice; ye wives of Lamech, hearken unto my speech: for I have slain a man to my wounding, and a young man to my hurt.

24 If Cain shall be avenged sevenfold, truly Lamech seventy and sevenfold.

25 And Adam knew his wife again; and she bare a son, and called his name Seth: For God, *said she*, hath appointed me another seed instead of Abel, whom Cain slew.

26 And to Seth, to him also there was born a son; and he called his name Enos: then began men to call upon the name of the LORD.

CHAPTER 6.

AND it came to pass, when men began to multiply on the face of the earth, and daughters were born unto them.

2 That the sons of God saw the daughters of men that they *were* fair; and they took them wives of all which they chose.

3 And the LORD said, My spirit shall not always strive with man, for that he also *is* flesh: yet his days shall be an hundred and twenty years.

4 There were giants in the earth in those days; and also after that, when the sons of God came in unto the daughters of men, and they bare *children* to them, the same *became* mighty men which *were* of old, men of renown.

5 And GOD saw that the wickedness of man *was* great in the earth, and *that* every imagination of the thoughts of his heart *was* only evil continually.

6 And it repented the LORD that he had made man on the earth, and it grieved him at his heart.

7 And the LORD said, I will destroy man whom I have created from the face of the earth; both man, and beast, and the creeping thing, and the fowls of the air; for it repenteth me that I have made them.

8 But Noah found grace in the eyes of the LORD.

9 These *are* the generations of Noah: Noah was a just man *and* perfect in his generations, *and* Noah walked with God.

10 And Noah begat three sons, Shem, Ham, and Japheth.

11 The earth also was corrupt before God, and the earth was filled with violence.

12 And God looked upon the earth, and, behold, it was corrupt; for all flesh had corrupted his way upon the earth.

13 And God said unto Noah, The end of all flesh is come before me; for the earth is filled with violence through them; and, behold, I will destroy them with the earth.

14 Make thee an ark of gopher wood; rooms shalt thou make in the ark, and shalt pitch it within and without with pitch.

15 And this *is the fashion* which thou shalt make it *of*: The length of

the ark *shall be* three hundred cubits, the breadth of it fifty cubits, and the height of it thirty cubits.

16 A window shalt thou make to the ark and in a cubit shalt thou finish it above; and the door of the ark shalt thou set in the side thereof; *with* lower, second, and third *stories* shalt thou make it.

17 And, behold, I, even I, do bring a flood of waters upon the earth, to destroy all flesh, wherein *is* the breath of life, from under heaven; *and* every thing that *is* in the earth shall die.

18 But with thee will I establish my covenant; and thou shalt come into the ark, thou, and thy sons, and thy wife, and thy sons' wives with thee.

19 And of every living thing of all flesh, two of every *sort* shalt thou bring into the ark, to keep *them* alive with thee; they shall be male and female.

20 Of fowls after their kind, of every creeping thing of the earth after his kind, two of every *sort* shall come unto thee, to keep *them* alive.

21 And take thou unto thee of all food that is eaten, and thou shalt gather *it* to thee; and it shall be for food for thee, and for them.

22 Thus did Noah; according to all that God commanded him, so did he.

CHAPTER 7.

AND the LORD said unto Noah, Come thou and all thy house into the ark; for thee have I seen righteous before me in this generation.

2 Of every clean beast thou shalt take to thee by sevens, the male and his female: and of beasts that *are* not clean by two, the male and his female.

3 Of fowls also of the air by sevens, the male and the female; to keep seed alive upon the face of all the earth.

4 For yet seven days, and I will cause it to rain upon the earth forty days and forty nights; and every living substance that I have made will I destroy from off the face of the earth.

5 And Noah did according unto all that the LORD commanded him.

6 And Noah *was* six hundred years old when the flood of waters was upon the earth.

7 And Noah went in, and his sons, and his wife, and his sons' wives with him, into the ark, because of the waters of the flood.

8 Of clean beasts, and of beasts that *are* not clean, and of fowls, and of every thing that creepeth upon the earth,

9 There went in two and two unto Noah into the ark, the male and the female, as God had commanded Noah.

10 And it came to pass after seven days, that the waters of the flood were upon the earth.

11 In the six hundredth year of Noah's life, in the second month, the seventeenth day of the month, the same day were all the fountains of the great deep broken up, and the windows of heaven were opened.

12 And the rain was upon the earth forty days and forty nights.

13 In the selfsame day entered Noah, and Shem, and Ham, and Japheth, the sons of Noah, and Noah's wife, and the three wives of his sons with them, into the ark;

14 They, and every beast after his kind, and all the cattle after their kind, and every creeping thing that creepeth upon the earth after his kind, and every fowl after his kind, every bird of every sort.

15 And they went in unto Noah into the ark, two and two of all flesh, wherein *is* the breath of life.

16 And they that went in, went in male and female of all flesh, as God had commanded him: and the LORD shut him in.

17 And the flood was forty days upon the earth; and the waters increased, and bare up the ark, and it was lift up above the earth.

18 And the waters prevailed, and were increased greatly upon the earth; and the ark went upon the face of the waters.

19 And the waters prevailed exceedingly upon the earth; and all the high hills, that *were* under the whole heaven, were covered.

20 Fifteen cubits upward did the waters prevail; and the mountains were covered.

21 And all flesh died that moved upon the earth, both of fowl, and of cattle, and of beast, and of every creeping thing that creepeth upon the earth, and every man:

22 All in whose nostrils *was* the breath of life, of all that *was* in the dry *land*, died.

23 And every living substance was destroyed which was upon the face of the ground, both man, and cattle, and the creeping things, and the fowl of the heaven; and they were destroyed from the earth: and Noah only remained *alive*, and they that *were* with him in the ark.

24 And the waters prevailed upon the earth an hundred and fifty days.

CHAPTER 8.

AND God remembered Noah, and every living thing, and all the cattle that *was* with him in the ark: and God made a wind to pass over the earth, and the waters assuaged;

2 The fountains also of the deep and the windows of heaven were stopped, and the rain from heaven was restrained;

3 And the waters returned from off the earth continually; and after the end of the hundred and fifty days the waters were abated.

4 And the dark rested in the seventh month, on the seventeenth day of the month, upon the mountains of Ararat.

5 And the waters decreased continually until the tenth month: in the tenth *month*, on the first *day* of the month, were the tops of the mountains seen.

6 And it came to pass at the end of forty days, that Noah opened the window of the ark which he had made:

7 And he sent forth a raven, which went forth to and fro, until the waters were dried up from off the earth.

8 Also he sent forth a dove from him, to see if the waters were abated from off the face of the ground;

9 But the dove found no rest for the sole of her foot, and she returned unto him into the ark, for the waters *were* on the face of the whole earth: then he put forth his hand, and took her, and pulled her in unto him into the ark.

10 And he stayed yet other seven days; and again he sent forth the dove out of the ark;

11 And the dove came in to him in the evening; and, lo, in her mouth *was* an olive leaf pluckt off: so Noah knew that the waters were abated from off the earth.

12 And he stayed yet other seven days; and sent forth the dove; which returned not again unto him any more.

13 And it came to pass in the six hundredth and first year, in the first *month*, the first *day* of the month, the waters were dried up from off the earth: and Noah removed the covering of the ark, and looked, and, behold, the face of the ground was dry.

14 And in the second month, on the seven and twentieth day of the month, was the earth dried.

15 And God spake unto Noah, saying,

16 Go forth of the ark, thou, and thy wife, and thy sons, and thy sons' wives with thee.

17 Bring forth with thee every living thing that *is* with thee, of all flesh, *both* of fowl, and of cattle, and of every creeping thing that creepeth upon the earth; that they may breed abundantly in the earth, and be fruitful, and multiply upon the earth.

18 And Noah went forth, and his sons, and his wife, and his sons' wives with him:

19 Every beast, every creeping thing, and every fowl, *and* whatsoever creepeth upon the earth, after their kinds, went forth out of the ark.

20 And Noah builded an altar unto the LORD; and took of every clean beast, and of every clean fowl, and offered burnt offerings on the altar.

21 And the LORD smelled a sweet savour; and the LORD said in his heart, I will not again curse the ground any more for man's sake; for the imagination of man's heart *is* evil from his youth; neither will I again smite any more every thing living, as I have done.

22 While the earth remaineth, seedtime and harvest, and cold and heat, and summer and winter, and day and night shall not cease.

CHAPTER 9.

AND God blessed Noah and his sons, and said unto them, Be fruitful, and multiply, and replenish the earth.

2 And the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth *upon* the earth, and upon all the fishes of the sea; into your hand are they delivered.

3 Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things.

4 But flesh with the life thereof, *which is* the blood thereof, shall ye not eat.

5 And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man.

6 Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man.

7 And you, be ye fruitful, and multiply; bring forth abundantly in the earth, and multiply therein.

8 And God spake unto Noah, and to his sons with him, saying,

9 And I, behold, I establish my covenant with you, and with your seed after you;

10 And with every living creature that *is* with you, of the fowl, of the cattle, and of every beast of the earth with you; from all that go out of the ark, to every beast of the earth.

11 And I will establish my covenant with you; neither shall all flesh be cut off any more by the waters of a flood; neither shall there any more be a flood to destroy the earth.

12 And God said, This *is* the token of the covenant which I make between me and you and every living creature that *is* with you, for perpetual generations:

13 I do set my bow in the cloud, and it shall be for a token of a covenant between me and the earth.

14 And it shall come to pass, when I bring a cloud over the earth, that the bow shall be seen in the cloud:

15 And I will remember my covenant, which *is* between me and you and every living creature of all flesh; and the waters shall no more become a flood to destroy all flesh

16 And the bow shall be in the cloud, and I will look upon it, that I may remember the everlasting covenant between God and every living creature of all flesh that *is* upon the earth.

17 And God said unto Noah, This *is* the token of the covenant, which I have established between me and all flesh that *is* upon the earth.

18 And the sons of Noah, that went forth of the ark, were Shem, and Ham, and Japheth: and Ham *is* the father of Canaan.

19 These *are* the three sons of Noah: and of them was the whole earth overspread.

20 And Noah began *to be* an husbandman, and he planted a vineyard:

21 And he drank of the wine, and was drunken; and he was uncovered within his tent.

22 And Ham, the father of Canaan, saw the nakedness of his father, and told his two brethren without.

23 And Shem and Japheth took a garment, and laid *it* upon their shoulders, and went backward, and covered the nakedness of their father; and their faces *were* ba- ' ward, and they saw not their father's nakedness.

24 And No. h awoke from his wine, and knew what his younger son had done unto him.

25 And he said, Cursed *be* Canaan; a servant of servants shall he be unto his brethren.

26 And he said, Blessed *be* the LORD God of Shem; and Canaan shall be his servant.

28 And Noah lived after the flood three hundred and fifty years.

29 And all the days of Noah were nine hundred and fifty years: and he died.

CHAPTER 11.

AND the whole earth was of one language, and of one speech.
2 And it came to pass, as they journeyed from the east, that they found a plain in the land of Shinar; and they dwelt there.
3 And they said one to another, Go to, let us make brick, and burn them thoroughly. And they had brick for stone, and slime had they for morter.
4 And they said, Go to, let us build us a city and a tower, whose top *may reach* unto heaven; and let us make us a name, lest we be scattered abroad upon the face of the whole earth.
5 And the LORD came down to see the city and the tower, which the children of men builded.
6 And the LORD said, Behold, the people is one, and they have all one language; and this they begin to do; and now nothing will be restrained from them, which they have imagined to do.
7 Go to, let us go down, and there confound their language, that they may not understand one another's speech.
8 So the LORD scattered them abroad from thence upon the face of all the earth: and they left off to build the city.
9 Therefore is the name of it called Babel; because the LORD did there confound the language of all the earth: and from thence did the LORD scatter them abroad upon the face of all the earth. . . .

HUNTER ON EVOLUTION

The following paragraphs appear on pages 194, 195, and 196 in George William Hunter's "Civic Biology," the textbook used by John Thomas Scopes in his classes:

"We have now learned that animal forms may be arranged so as to begin with very simple one-celled forms and culminate with a group which contains man himself. This arrangement is called the *evolutionary series*. Evolution means change, and these groups are believed by scientists to represent stages in complexity of development of life on the earth. Geology teaches that millions of years ago life upon the earth was very simple, and that gradually more and more complex forms of life appeared, as the rocks formed latest in time show the most highly developed forms of animal life. The great English scientist, Charles Darwin, from this and other evidence, explained the theory of evolution. This is the belief that simple forms of life on the earth slowly and gradually gave rise to those more complex and that thus ultimately the most complex forms came into existence.

"Over 500,000 species of animals are known to exist today, as the following table shows.

Protozoa	8,000	Arachnids	16,000
Sponges	2,500	Crustaceans	16,000
Cœlenterates	4,500	Mollusks	61,000
Echinoderms	4,000	Fishes	13,000
Flatworms	5,000	Amphibians	1,400
Roundworms	1,500	Reptiles	3,500
Annelids	4,000	Birds	13,000
Insects	360,000	Mammals	3,500
Myriapods	2,000	Total	518,900

"Although we know that man is separated mentally by a wide gap from all other animals, in our study of physiology we must ask where we are to place man. If we attempt to classify man,

we see at once he must be placed with the vertebrate animals because of his possession of a vertebral column. Evidently, too, he is a mammal, because the young are nourished by milk secreted by the mother and because his body has at least a partial covering of hair. Anatomically we find that we must place man with the apelike mammals, because of these numerous points of structural likeness. The group of mammals which includes the monkeys, apes, and man we call the *primates*.

"Although anatomically there is a greater difference between the lowest type of monkey and the highest type of ape than there is between the highest type of ape and the lowest savage, yet there is an immense mental gap between monkey and man.

"Mammals are considered the highest of vertebrate animals, not only because of their complicated structure, but because their instincts are so well developed. Monkeys certainly seem to have many of the mental attributes of man.

"Professor Thorndike of Columbia University sums up their habits of learning as follows:—

"'In their method of learning, although monkeys do not reach the human stage of a rich life of ideas, yet they carry the animal method of learning, by the selection of impulses and association of them with different sense-impressions, to a point beyond that reached by any other of the lower animals. In this, too, they resemble man; for he differs from the lower animals not only in the possession of a new sort of intelligence, but also in the tremendous extension of that sort which he has in common with them. A fish learns slowly a few simple habits. Man learns quickly an infinitude of habits that may be highly complex. Dogs and cats learn more than the fish, while monkeys learn more than they. In the number of things he learns, the complex habits he can form, the variety of lines along which he can learn them, and in their permanence when once formed, the monkey justifies his inclusion with man in a separate mental genus.'

"Undoubtedly there once lived upon the earth races of men who were much lower in their mental organization than the present inhabitants. If we follow the early history of man upon the earth, we find that at first he must have been little better than one of the lower animals. He was a nomad, wandering from place to place, feeding upon whatever living things he could kill with his hands. Gradually he must have learned to use weapons,

and thus kill his prey, first using rough stone implements for this purpose. As man became more civilized, implements of bronze and of iron were used. About this time the subjugation and domestication of animals began to take place. Man then began to cultivate the fields, and to have a fixed place of abode other than a cave. The beginnings of civilization were long ago, but even to-day the earth is not entirely civilized.

"At the present time there exist upon the earth five races or varieties of man, each very different from the other in instincts, social customs, and, to an extent, in structure. These are the Ethiopian or negro type, originating in Africa; the Malay or brown race, from the islands of the Pacific; the American Indian; the Mongolian or yellow race, including the natives of China, Japan, and the Eskimos; and finally, the highest type of all, the Caucasians, represented by the civilized white inhabitants of Europe and America.

754 East Washington St.
Los Angeles, California.
January 8, 1926.
This book I read
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and finished to-day.
Yours truly for
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Stephanus
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